



# FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20543

THIS IS THE END OF TCR # 510

Date Filmed May 13, 1981 Camera No. --- 2

Cameraman LFC

FEDERAL ELECTION COMMISSION

Conciliation Correspondence

+ Rpts

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- |  |   |
|--|---|
| <input type="checkbox"/> (1) Classified Information                                | <input type="checkbox"/> (6) Personal privacy                             |
| <input type="checkbox"/> (2) Internal rules and practices                          | <input type="checkbox"/> (7) Investigatory files                          |
| <input checked="" type="checkbox"/> (3) Exempted by other statute (FECA)           | <input type="checkbox"/> (8) Banking Information                          |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input type="checkbox"/> (5) Internal Documents                                    |   |

Signed J. Sheffield

date 4-9-81

FEC 9-21-77

FEDERAL ELECTION COMMISSION

Conciliation Correspondence

& Rpts.

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- |  |   |
|--|---|
| <input type="checkbox"/> (1) Classified Information                                | <input type="checkbox"/> (6) Personal privacy                             |
| <input type="checkbox"/> (2) Internal rules and practices                          | <input type="checkbox"/> (7) Investigatory files                          |
| <input checked="" type="checkbox"/> (3) Exempted by other statute (FOIA)           | <input type="checkbox"/> (8) Banking Information                          |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input type="checkbox"/> (5) Internal Documents                                    |   |

Signed

date

J. Shepard  
4-9-81

FEC 9-21-77



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

March 27, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Larry Dillard, Deputy Director  
New York State Voter  
Registration Drive  
821 Riverside Drive  
Apartment 2A  
New York, New York 10032

Re: NUR 510

Dear Mr. Dillard:

On March 24, 1981, the Commission reconsidered the conciliation agreement signed by Bernard Charles on November 28, 1980, and voted to accept the agreement and the \$250 civil penalty check as settlement of this matter. Accordingly, the file has been closed in this matter and it will become part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement



7981460018

1. To be filled out by the sender. Complete this form and attach to the space on the back of the article.

2. The following service is requested (check one):  
 a. Registered mail (check one)  
 b. Registered mail and date received (check one)  
 c. Registered mail and date of delivery (check one)  
 d. Registered mail and date of delivery (check one)  
 e. Registered mail and date of delivery (check one)  
 f. Registered mail and date of delivery (check one)  
 g. Registered mail and date of delivery (check one)  
 h. Registered mail and date of delivery (check one)  
 i. Registered mail and date of delivery (check one)  
 j. Registered mail and date of delivery (check one)  
 k. Registered mail and date of delivery (check one)  
 l. Registered mail and date of delivery (check one)  
 m. Registered mail and date of delivery (check one)  
 n. Registered mail and date of delivery (check one)  
 o. Registered mail and date of delivery (check one)  
 p. Registered mail and date of delivery (check one)  
 q. Registered mail and date of delivery (check one)  
 r. Registered mail and date of delivery (check one)  
 s. Registered mail and date of delivery (check one)  
 t. Registered mail and date of delivery (check one)  
 u. Registered mail and date of delivery (check one)  
 v. Registered mail and date of delivery (check one)  
 w. Registered mail and date of delivery (check one)  
 x. Registered mail and date of delivery (check one)  
 y. Registered mail and date of delivery (check one)  
 z. Registered mail and date of delivery (check one)

3. ARTICLE ADDRESS TO:  
 [Handwritten address]

4. ARTICLE DESCRIPTION:  
 REGISTERED NO. [Handwritten: 112440] INSURED NO. [Blank]

5. Always obtain signature of addressee or agent:  
 I have received the article described above:  
 SIGNATURE [Handwritten signature] ADDRESS [Handwritten address] AUTHORIZED AGENT [Handwritten signature]

6. DATE OF DELIVERY [Handwritten date] POSTMARK [Handwritten postmark]

7. ADDRESS (Complete only if requested): [Blank]

8. UNABLE TO DELIVER BECAUSE: [Blank] CLERK'S INITIALS [Handwritten initials]

516 [Handwritten signature]

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Larry Dillard, Deputy Director  
New York State Voter  
Registration Drive  
821 Riverside Drive  
Apartment 2A  
New York, New York 10032

Re: MUR 510

Dear Mr. Dillard:

On March 24, 1981, the Commission reconsidered the conciliation agreement signed by Bernard Charles on November 28, 1980, and voted accept the agreement and the \$250 civil penalty check as settlement of this matter. Accordingly, the file has been closed in this matter and it will become part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement

JT/dm 03/25/81

*JA 3-26-81*

81030244865

BEFORE THE FEDERAL ELECTION COMMISSION

911425  
Gee\*  
3-4-18

In the Matter of )  
New York State Voter )  
Registration Drive )

MUR 510(78)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission") on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, and, after an audit and investigation, the Commission found probable cause to believe that the New York State Voter Registration Drive ("Respondent") violated 2 U.S.C. § 432(c); § 432(d); § 434(b)(1); § 434(b)(4); § 434(b)(7); § 434(b)(9); § 434(b)(11); § 434(b)(12); § 437b(a)(2) and § 437b(b).<sup>1/</sup>

NOW, THEREFORE, the Commission and Respondent having duly entered into conciliation pursuant to 2 U.S.C. § 437a(a)(4), do hereby agree as follows:

I. That the Commission has jurisdiction over Respondent and the subject matter of this proceeding.

II. That Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

A. Respondent was a registered and reporting entity with the Commission.

<sup>1/</sup> All citations to the Act and Regulations are to them as they existed prior to January 8, 1980, the effective date of the Federal Election Campaign Amendments of 1979, Pub. Law. 96-187.

B. Respondent failed to file its 1976 year-end report in a timely manner as required by 2 U.S.C. § 434(a)(1). Respondent filed its 1976 year-end report on May 1, 1978.

C. During the 1976 election cycle, Respondent made a total of 96 operating expenditures, each in excess of \$100, which were not supported by receipted bills, invoices, or other contemporaneous memoranda, as required by 2 U.S.C. § 432(c) and § 432(d). Cancelled checks were retained for 91 of the expenditures.

D. During the 1976 election cycle, Respondent made a total of 106 expenditures for Voter Registration and Get-Out-The-Vote activities, each in excess of \$100, which were not supported by receipted bills, invoices, or other contemporaneous memoranda, as required by 2 U.S.C. § 432(c) and § 432(d). Cancelled checks were retained for all 106 of the expenditures.

E. During the 1976 election cycle, Respondent did not report 56 expenditures as required by 2 U.S.C. § 434(b)(11). Of these expenditures, 46 were in excess of \$100, and were required to be itemized as required by 2 U.S.C. § 434(b)(9). Respondent contends that the expenditures were reported and itemized in a report dated November 16, 1976. Respondent has produced a xerox copy of the report from its files. Respondent has filed a comprehensive amendment to its 1976 year-end report which discloses all 56 expenditures and itemizes the 46 expenditures in excess of \$100.

F. During the 1976 election cycle, Respondent failed to report the receipt of 3 transfers, totalling \$37,500, from the Democratic National Committee Services Corporation, as required by 2 U.S.C. § 434(b)(4). Respondent has filed a comprehensive amendment to its 1976 year-end report which discloses the receipt of the 3 transfers.

G. During the 1976 election cycle, Respondent reported the receipt of 4 transfers from the Democratic National Committee Services Corporation totalling \$75,000, but failed to itemize the transfers as required by 2 U.S.C. § 434(b)(4). Respondent has filed a comprehensive amendment to its 1976 year-end report which itemizes the receipt of the transfers.

H. During the 1976 election cycle, Respondent received \$14,098.98 in in-kind contributions from the Democratic National Committee Services Corporation and a \$200 in-kind contribution from an unincorporated vendor, but failed to report them to the Commission as required by 2 U.S.C. § 434(b)(7). Respondent has filed a comprehensive amendment to its 1976 Year-end Report which discloses these in-kind contributions.

I. The Respondent reported receiving a \$3,250 contribution on November 1, 1976 for which there was no corresponding deposit into the respondent's treasury, as required by 2 U.S.C. § 437b(a)(2). Respondent has filed a comprehensive amendment to its 1976 Year-end Report which discloses that the \$3,250 was reported erroneously.

J. During the 1976 year cycle, Respondent for two months shared office space with the New York State Democratic Party. Respondent did not reimburse the New York State Democratic Party for the rent expense. Respondent did not allocate the rent expense in accordance with 11 C.F.R. § 104.3(a) and § 106.1(c) or disclose it as an in-kind contribution as required by 2 U.S.C. § 434(b)(7).

K. At the time Respondent closed its checking account on June 3, 1977, it had outstanding checks, totalling \$1,933. These outstanding checks were not continuously disclosed as debts on its reports, as required by 2 U.S.C. § 434(b)(12). Respondent has filed a comprehensive amendment to its 1976 year-end report in which it discloses the 5 checks as being outstanding.

L. During the 1976 year cycle, Respondent issued a check in the amount of \$1,200 payable to cash, which was not used to replenish the petty cash fund, as required by 2 U.S.C. § 437b(b).

M. Respondent's 1976 year-end report disclosed an opening cash balance of \$1,072.11 in excess of what it had. As a result, the subsequent cash on hand totals reported in subsequent reports were overstated. The amount of cash on hand is required to be reported by 2 U.S.C. § 434(b)(1). Respondent has filed a comprehensive amendment to its 1976 year-end report and has filed an amendment to its 1977 quarterly report covering January 1, 1977, through June 30, 1977, which corrects the cash on hand figures.

31030041969



V. WHEREFORE, Respondent agrees:

A. That it failed to file the 1976 year-end report by January 31, 1977 in violation of 2 U.S.C. § 434(a)(1).

B. That it failed to maintain adequate records of its expenditures in violation of 2 U.S.C. § 432(c) and § 432(d).

C. That it failed to report and itemize expenditures in violation of 2 U.S.C. § 434(b)(11) and § 434(b)(9).

D. That it failed to report the receipt of 3 transfers from the Democratic National Committee Services Corporation in violation of 2 U.S.C. § 434(b)(4).

E. That it failed to itemize the receipt of 4 transfers from the Democratic National Committee Services Corporation in violation of 2 U.S.C. § 434(b)(4).

F. That it failed to report in-kind contributions from the Democratic National Committee Services Corporation and from an unincorporated vendor in violation of 2 U.S.C. § 434(b)(7).

G. That its failure to deposit a \$3,250 contribution into its campaign depository violated 2 U.S.C. § 437b(a)(2).

H. That it failed to report an allocable rent expense to the New York State Democratic Party as an in-kind contribution in violation of 2 U.S.C. § 434(b)(7).

I. That it failed to continuously report debts on its reports in violation of 2 U.S.C. § 434(b)(12).

J. That it issued a check payable to cash which was not placed into its petty cash fund in violation of 2 U.S.C. § 437b(b).

610302410970

J. That it failed to report a correct opening cash balance on its 1976 year-end report in violation of 2 U.S.C. § 434(b)(1).

K. That it will pay a civil penalty in the amount of Two Hundred and Fifty Dollars (\$250) to the United States Treasurer.

VI. General Conditions

A. The Commission, upon request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

B. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

C. It is mutually agreed that the Respondent shall have 10 days from the date this agreement becomes effective to comply with and to implement the requirements contained in this agreement and to so notify the Commission.

NOVEMBER 28, 1981  
Date

26 March 1981  
Date

Bernard Charles  
Bernard Charles  
New York State Voter  
Registration Drive

Charles N. Steele  
Charles N. Steele  
General Counsel  
Federal Election Commission



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
New York State Voter Registration ) MUR 510  
Drive )

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on March 24, 1981, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 510:

1. Accept the conciliation agreement signed by Bernard Charles, Treasurer of New York State Voter Registration Drive on November 28, 1980, and the \$250 civil penalty check as settlement of this matter;
2. CLOSE THE FILE; and,
3. Send the letter attached to the General Counsel's February 13, 1981 report.

Commissioners Aikens, Harris, McGarry, and Tiernan voted affirmatively for the decision; Commissioners Reiche and Thomson dissented.

Attest:

3/24/81

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

March 17, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 510

Please have the attached Memo and Brief distributed to the Commission on an informational basis. Thank you.

81030241873



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

March 17, 1980

MEMORANDUM

TO: THE COMMISSION

FROM: Charles N. Steele *CNS*  
General Counsel

SUBJECT: MUR 510

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on March 17, 1980. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

Brief  
Letter to Respondent

In the Matter of )  
 ) MUR 510  
New York State Voter )  
Registration Drive )

## GENERAL COUNSEL'S BRIEF

## I. Statement of the Case

This matter concerns numerous apparent recordkeeping and reporting violations of the Federal Election Campaign Act of 1971, as amended, by the New York State Voter Registration Drive ("committee"), a subordinate committee of the New York State Democratic Party.<sup>1/</sup> It was originally referred to the Office of General Counsel in January 1978 after the New York State Voter Registration Drive had failed to file its January 31, 1977 year-end report, in violation of 2 U.S.C. § 434.

On March 2, 1978, the Commission found probable cause to believe that the committee had violated 2 U.S.C. § 434. Thereafter, on April 10, 1978 a committee representative met with Commission staff and on May 1, 1978, the treasurer of the committee hand-delivered the committee's January 31, 1977 year-end report.

As the year-end report had been filed, the Office of General Counsel recommended that the matter be settled through conciliation, rather than the filing of a civil action for relief. In addition,

1/ The Federal Election Campaign Act Amendments of 1979 (Pub. L. No. 96-187) altered and recodified a number of the provisions at issue in this matter. However, as the violation in question occurred during 1976 and 1977, prior to the enactment of Pub. L. No. 96-187 and in as much as the 1979 amendments have no provisions for retroactivity, all cites in this brief are to the Federal Election Campaign Act of 1971, as amended by the Federal Election Campaign Act Amendments of 1976 (Pub. L. No. 94-283).

due to a number of inconsistencies in the committee's reports, the Office of General Counsel recommended that the committee be audited.

On July 12, 1978, the Commission directed the Audit Division to audit the committee, and withheld action on the late filer violation pending the submission of the audit report.

On March 6, 1979, the Audit Division submitted its findings and recommendations to the committee and afforded it 30 days in which to respond. The Committee responded by letter on April 4, 1979. On April 18, 1979, the Audit Division referred the matter to this office (Attachment A).

On August 13, 1979 the Commission found reason to believe that the Committee had violated 2 U.S.C. §§ 432(c); 432(d); 434(b)(1); 434(b)(4); 434(b)(7); 434(b)(9); 434(b)(11); 434(b)(12); 437b(a)(2); and 437b(b). The Commission also directed the Committee to develop an allocation plan pursuant to 11 C.F.R. § 106.1(e) and to reimburse the New York State Democratic Party for the administrative expenses it had provided to the Committee.

The committee neither complied with the recommendations of the Audit Division nor demonstrated any attempts it had made to comply with the recommendations. In addition, the committee did not respond to the Commission's reason to believe determination except to request a meeting with the Commission staff to discuss the matter. Staff did, accordingly, attempt on numerous occasions to schedule such a meeting, but met with no success. The Office of General Counsel therefore recommended and on January 8, 1980 the Commission found reasonable cause to believe the committee had violated the Act.

On January 11, 1980 the reasonable cause to believe notification letter with a proposed conciliation agreement was sent to the Committee. Thereafter, on January 23, 1980 the Office of General Counsel received the attached mailgram (Attachment B) from the Committee, rejecting the proposed conciliation agreement and asserting the defense of "best efforts."

#### Evidence/Analysis

The apparent violations are as follows:

(1) A total of 202 expenditures, each in excess of \$100, were not supported by receipted bills, stating the particulars of the expenses, as required by 2 U.S.C. § 432(d). The total value of the 202 expenditures was \$126,306.91.

(2) 56 expenditures totalling \$31,259.07 were not reported by the Committee, as required by 2 U.S.C. § 434(b)(11). Of that number, 46 were in excess of \$100, but were not itemized on the Committee's reports as required by 2 U.S.C. § 434(b)(9).

3. The Committee failed to report the receipt of 3 transfers, totalling \$37,500, from the Democratic National Committee Services Corporation, as required by 2 U.S.C. § 434(b)(4). In addition, 4 transfers totalling \$75,000 were reported, but not itemized, as required by 2 U.S.C. § 434(b)(4).

4. The Committee received \$14,098.98 in in-kind contributions, consisting of voter registration materials, from the Democratic National Committee Services Corporation as well as a \$200 contribution from an incorporated vendor. These in-kind contributions were not reported, as required by 2 U.S.C. § 434(b)(7). The Committee



also received rent-free headquarters from the New York State Democratic Party, which would constitute additional in-kind contributions to the committee.

(5) The Committee reported the receipt of a \$3,250.00 contribution on November 1, 1976, for which there was no corresponding deposit into the committee's treasury, nor was the contribution reported by the contributing committee, the Democratic National Committee Services Corporation. This was either a violation of 2 U.S.C. § 437b(a)(2), requiring the depositing of all contributions into a committee's depository, or a 2 U.S.C. § 434(b) reporting violation.

(6) At the time the Committee closed its checking account on June 3, 1977, the Committee had five (5) outstanding checks, totaling \$1,933. These outstanding checks were not disclosed as debts on its termination report, and therefore a violation of 2 U.S.C. § 434(b)(12) occurred.

(7) The Committee issued a check in the amount of \$1,200.00 payable to cash, which was not used to replenish the petty cash fund. This was in violation of 2 U.S.C. § 437b(b) which limits to \$100 any single cash purchase or transaction.

(8) The Committee's 1976 year-end report disclosed an opening cash balance \$1,072.11 in excess of what it apparently had. As a result, the subsequent cash on hand totals were overstated, resulting in a violation of 2 U.S.C. § 434(b)(1).

(9) The reporting and recordkeeping violations discussed in above paragraphs 1-8 derive primarily from the Committee's lack of records pertaining to the contributions it received and the expenditures it made.

2 U.S.C. § 432(c) requires the treasurer of each political committee to keep a detailed and exact account of the contributions received and expenditures made by the political committee. The Committee's failure to maintain those required records is in violation of 2 U.S.C. § 432(c).

Best Efforts Defense

The Committee has raised the defense that it used its "best efforts" to obtain and provide the required information.

2 U.S.C. § 434(b) states that:

When committee treasurers and candidates show that best efforts have been used to obtain and submit the information required by this subsection, they shall be deemed to be in compliance with this subsection.

Therefore, if the Committee was able to demonstrate that indeed it had used its "best efforts" to obtain and disclose the required information, it would not be in violation of the Act. However, aside from claiming that it did use its "best efforts," it has, at no time, demonstrated what constituted those efforts. If anything, the committee has shown a total reluctance to attempt to obtain the information or even to simply apprise the Commission of any such attempt.

In fact, the Commission, in its August 20, 1979 reason to believe notification letter (Attachment C), requested that the Committee submit the required expenditure and receipt information but that if it was unable to do so, to "please detail the efforts the Committee has made to obtain that information." In response, the Committee asserted "best efforts," but supplied no information. (See Attachments B, D, and E).



It is the position of the Office of General Counsel that the Committee has not used its "best efforts" to obtain the information required.

It is therefore the recommendation of the Office of General Counsel that the Commission find probable cause to believe the New York State Voter Registration Drive has violated the Act.

Recommendation


(1) Find probable cause to believe that the New York State Voter Registration Drive violated:

- a. 2 U.S.C. § 432(c)
- b. 2 U.S.C. § 432(d)
- c. 2 U.S.C. § 434(b)(1)
- d. 2 U.S.C. § 434(b)(4)
- e. 2 U.S.C. § 434(b)(7)
- f. 2 U.S.C. § 434(b)(9)
- g. 2 U.S.C. § 434(b)(11)
- h. 2 U.S.C. § 434(b)(12)
- i. 2 U.S.C. § 437b(a)(2)
- j. 2 U.S.C. § 437b(b)

15 March 1980  
Date

Attachments

- 1. Attachment A - April 19, 1979 Memorandum with audit findings
- 2. Attachment B - January 23, 1980 Mailgram
- 3. Attachment C - August 20, 1979 letter
- 4. Attachment D - October 3, 1979 Mailgram
- 5. Attachment E - October 16, 1979 Mailgram

  
Charles N. Steele  
General Counsel



## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

April 19, 1979

## MEMORANDUM

TO: BILL OLDAKER

THROUGH: ORLANDO B. POTTER  
STAFF DIRECTOR

FROM: *epc* BOB COSTA/RAY LISI *cf for Rb G*

SUBJECT: NEW YORK STATE VOTER REGISTRATION  
DRIVE (THE COMMITTEE)

On July 12, 1978, the Commission directed the Audit Division to conduct an audit of the New York State Voter Registration Drive. On March 6, 1979, the Audit Division forwarded to the Committee a letter of audit findings and recommendations (see Attachment 1), requesting the Committee to comply with the stated recommendations within 30 days of receipt of our letter. The Committee's response period expired on April 9, 1979.

On March 23, 1979, an Audit staff member received a telephone call from Mr. Larry Dillard, who stated that he was representing the Treasurer of the Committee. Mr. Dillard stated that he felt that the Committee had used its best efforts to comply with the statute, and that any additional efforts would be futile. Mr. Dillard agreed to state the Committee's reasons for not complying with any of the audit recommendations in a letter to the Audit Division.

On Friday, April 13, 1979, the Committee Treasurer, Mr. Bernard C. Charles was contacted concerning the letter of response. Mr. Charles stated that the letter, due to extenuating circumstances (work related travel), had not been sent, but was being prepared and would be received within the near future. However, the letter was actually received at the Commission on April 13, 1979 (see Attachment 2).

Since the Committee has failed to comply with the audit recommendations, this matter is being referred to your office for consideration.

Attachments as stated





## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

March 6, 1979

Mr. Bernard C. Charles, Treasurer  
New York State Voter Registration Drive  
109 Old Nyack Turnpike  
Spring Valley, New York 10977

Dear Mr. Charles:

The attached is to formally advise you of the findings and recommendations of the Audit staff resulting from the audit of the New York State Voter Registration Drive, ("the Committee"). These matters were discussed with Larrie Dillard in an exit conference in New York, on September 1, 1978.

You are requested to comply with the stated recommendations within 30 days of receipt of this letter. After expiration of the 30 day period and receipt of your response, the Audit staff will present a final audit report to the Commission for approval and subsequent public release. Efforts to comply with the recommendations will be noted in the report.

Should you not respond adequately to these recommendations within the time specified above, in accordance with Commission policy, the matter will be referred to the Commission's Office of General Counsel with a recommendation that an order or subpoena be prepared requiring compliance with the staff recommendations.

If you have any questions regarding these matters, please do not hesitate to contact Mr. Raymond Lisi or Mr. Glen J. Buco at (202) 523-4155 or toll free at (800) 424-9530.

Sincerely,

Robert J. Costa  
Assistant Staff Director  
for the Audit Division

Attachment as stated

CERTIFIED MAIL:  
RETURN RECEIPT REQUESTED:



## Audit Findings and Recommendations

### A. Preservation of Receipts

Section 432(d) of Title 2 of the United States Code states, in part, that it shall be the duty of the treasurer to keep a receipted bill, stating the particulars, for every expenditure made by a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100.

In addition, Section 102.9(c)(4) of Title 11 of the Code of Federal Regulations states that when a receipted bill is not available, the treasurer may keep the cancelled check showing payment(s) of the bill, and the bill, invoice, or other contemporaneous memorandum of the transaction.

Our review of the Committee's expenditure records disclosed the following:

(1) Ninety-six (96) expenditures, each in an aggregate amount or value in excess of \$100, totaling \$24,225.70 were not supported by receipted bills, invoices, or other contemporaneous memoranda. These unsupported expenditures represent approximately 80.6% of the total number and 64.5% of the total dollar value of the operating expenditures requiring supporting documentation. Cancelled checks were retained for 91 of the expenditures.

(2) One hundred six (106) expenditures, each in excess of \$100, totaling \$102,081.21 were made to 61 individuals and organizations to enable them to conduct Voter Registration and Get-Out-The-Vote activities in various sections of the state (See Exhibit A). The Committee did not obtain and keep receipted bills, invoices, or other contemporaneous memoranda supporting the expenditures. These unsupported expenditures represent approximately 84.8% of the total number and 84.8% of the total dollar amount of expenditures made for Voter Registration and Get-Out-The-Vote activities.

According to Committee officials, the Committee was authorized and funded by the Democratic National Committee to conduct Voter Registration and Get-Out-The-Vote activities for the benefit of the Carter-Mondale campaign.

Recommendation

The Audit staff recommends that the Committee obtain the documentation supporting the expenditures noted in (1) above and submit copies to the Audit staff for review or present evidence of its efforts to do so within 30 days of receipt of this letter. Additionally, it is our recommendation that the Committee obtain the supporting documentation, from the individuals and organizations, for the particulars of the expenditures noted in (2) above and submit copies to the Audit staff for review or present evidence of its efforts to do so within the 30 day period. Recommendations concerning further Committee action (amendments to disclosure reports, etc.) with respect to the activities noted in (2) above will be dependent upon our review of the documentation obtained by the Committee.

B. Disclosure of Expenditures

Section 434(b)(9) of Title 2 of the United States Code requires the disclosure within each report of the identification of each person to whom expenditures have been made by or on behalf of the committee within a calendar year in an aggregate amount or value in excess of \$100 together with the amount, date, and purpose of each such expenditure. In addition, Section 434(b)(11) of Title 2 of the United States Code requires the disclosure of the total sum of expenditures made by such committee during the calendar year.

Our review of expenditure records revealed that the Committee did not report 56 expenditures which totaled \$31,259.07. These expenditures represent approximately 4.3% of the total number and 18.4% of the total dollar amount of expenditures required to be reported.

Forty-six (46) of these expenditures were in excess of or aggregated in excess of \$100.00 and were required to be itemized. The Committee provided no explanation concerning the non-reporting of the expenditures.

Recommendation

The Audit staff recommends that the Committee file an amended report itemizing the 46 expenditures, and disclosing as unitemized the remaining expenditures, within 30 days of receipt of this letter.



C. Disclosure of Transfers and Total Receipts

Section 434(b)(4) and (8) of Title 2 of the United States Code states, in part, that each report shall disclose the name and address of each political committee from which the reporting committee received any transfer of funds, together with the amounts and dates of all transfers. In addition, the report shall disclose the total sum of all receipts during the reporting period.

It was determined that the Committee did not report the receipt of three (3) transfers totaling \$37,500.00. As a result, the total receipts for the period were understated. In addition, the Committee did not itemize the receipt of four (4) transfers totaling \$75,000, but reported the four (4) transfers as unitemized receipts.

No explanation concerning the Committee failure to report the \$37,500 or itemize the \$75,000 in transfers was provided by the Committee.

Recommendation

It is the recommendation of the Audit staff that the Committee file an amended report within 30 days of receipt of this letter itemizing the transfers and disclosing the correct total of receipts for the period.

D. Allocation of Administrative Expenses

*Disclosure of in-kind*

Section 434(b)(2) of Title 2 of the United States Code states, in part, that each report shall disclose the full name and mailing address of each person who has made one or more contributions to or for such committee within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions.

Section 104.3(a) of Title 11 of the Code of Federal Regulations states, in part, that each in-kind contribution shall be valued at the usual and normal charge on the date received and reported if in excess of \$100 on the appropriate schedule of receipts and expenditures, identified as to its nature and listed as an "in-kind contribution."

## *Allocati*

Section 106.1(e) of Title 11 of the Code of Federal Regulations states, in part, that party committees which have established Federal Campaign committees pursuant to Section 102.6 shall allocate administrative expenses on a reasonable basis between their Federal and non-Federal accounts in proportion to the amount of funds expended on Federal and non-Federal elections, or on another reasonable basis.

*regarding*  
During the audit, we determined that the Committee occupied space provided by the New York State Democratic Party, (NYSDP) a non-reporting committee. The Committee did not reimburse the NYSDP for rent expenses connected with the occupancy but did reimburse the Committee \$1,500 for telephone use.

Committee officials stated that the costs were paid entirely by the state committee.

### Recommendation

The Audit staff recommends that the Committee develop a basis for allocating the administrative costs according to the method prescribed in Section 106.1(e) or some other reasonable method and submit such basis with supporting documentation to the Audit staff for review within 30 days of receipt of this letter. Further, the Audit staff recommends that the Committee file amended reports disclosing its allocable portion of the administrative expenses computed above as an in-kind contribution from the NYSDP for each calendar year registered.

### E. Disclosure of In-Kind Contributions

Section 434(b)(2) of Title 2 of the United States Code requires the disclosure of the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such Committee within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions.

Section 104.3(a) of Title 11 of the Code of Federal Regulations states, in part, that each in-kind contribution shall be valued at the usual and normal charge on the date received and reported if in excess of \$100 on the appropriate schedules of receipts and expenditures, identified as to its nature and listed as an "in-kind contribution."

Our review of the Committee records revealed three (3) in-kind contributions totaling \$14,298.98 were received but not disclosed on the Committee reports. Two (2) of the contributions totaling \$14,098.98 were for voter registration materials and the other was a debt of \$200.00 forgiven by an unincorporated vendor.

When questioned, the Committee provided no explanation as to why these contributions were not disclosed as required.

Recommendation

The Audit staff recommends that the Committee file an amended report itemizing the in-kind contributions within 30 days of receipt of this letter.

F. Deposit of Receipts Into Campaign Depository

Section 437b(a)(2) of Title 2 of the United States Code requires a committee to deposit all contributions received by it into the committee's checking account maintained at a designated campaign depository. In addition, Section 434(b)(4) of Title 2 of the United States Code requires the disclosure of the name and address of each political committee from which the reporting committee received any transfer of funds, together with the amounts and dates of all transfers.

Our review of the records and reports revealed that the Committee disclosed the receipt of a transfer totaling \$3,250.00 which was not deposited into the Committee's checking account. In addition, the transfer was not disclosed by the transferring committee.

The Committee was unable to provide any additional details concerning the transfer.

Recommendation

It is our recommendation that within 30 days of receipt of this letter the Committee obtain documentation to support the source of the transfer and provide evidence of same to the Audit staff and, if necessary, file an amended report to properly disclose the transferring committee.



G. Disclosure of Debts and Obligations

Section 434(b)(12) of Title 2 of the United States Code requires the disclosure in a continuous manner of debts and obligations owed by the Committee until such debts and obligations are extinguished, together with the circumstances and conditions under which any such debt is extinguished and the consideration therefor.

Five (5) checks, each in excess of \$100, totaling \$1,93 were still outstanding when the Committee closed its checking account on June 3, 1977 (the ending date on its amended termination report). The outstanding checks were not disclosed as debts on the termination report.

Recommendation

The Audit staff recommends that the Committee file an amended report within 30 days of receipt of this letter disclosing the outstanding checks as debts and obligations, and continue to file reports disclosing these debts until extinguished.

H. Disclosure of Cash on Hand

Section 434(b)(1) of Title 2 of the United States Code requires the disclosure of the amount of cash on hand at the beginning of the reporting period.

Our review of the reports filed by the Committee revealed that the opening cash disclosed on the 1976 year-end report was overstated by a net amount of \$1,072.11. As a result, the subsequent cash on hand totals were overstated.

The Committee was unable to adequately explain the reason for this discrepancy.

Recommendation

The Audit staff recommends that the Committee file an amended report correcting its cash on hand totals within 30 days of receipt of this letter.

I. Other Matters

Presented below are other matters noted during the audit for which the Audit staff recommends no further action. The Committee was advised of the discrepancies and informed of the respective requirements of the Act.

1. One (1) check, totaling \$1,200.00, was written payable to cash which was not used to replenish the petty cash fund. The cash was disbursed for election day expenses.

2. The 1976 year-end and 1977 first quarter disclosure reports were not timely filed.

3. The Committee began its activity on September 2, 1976, but failed to file a statement of organization until October 18, 1976.

## EXHIBIT A

NEW YORK STATE VOTER REGISTRATION DRIVE  
 SCHEDULE OF TRANSFERS TO INDIVIDUALS AND ORGANIZATION  
 FOR VOTER REGISTRATION AND GOTV

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Amigos De Carter	10-22-76	\$ 1,000.00
" "	10-29-76	1,000.00
Black Democrats of Westchester County	10-25-76	750.00
Black Political Caucus of Rockland County	10-25-76	500.00
Bronx Coalition To Elect Carter	10-25-76	1,000.00
Bronx Commonwealth Voter Registration Drive	9-24-76	500.00
" " " " "	10-05-76	250.00
Bronx Concerned Clergy For Voter Registration	9-24-76	375.00
" " " " "	10-04-76	375.00
" " " " "	10-29-76	250.00
Brown, Harold Jr. - Ulster County	11-01-76	150.00
Brown, Mildred	10-06-76	250.00
Central Queens Voter Registration Committee	9-21-76	400.00
" " " " "	10-05-76	1,500.00
Chinese American Democratic Org. Committee	10-22-76	500.00
Chinese American Voter Registration	9-10-76	1,000.00
Chinese American Voter's League	9-28-76	200.00

## EXHIBIT A

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Citizens Voter Education Committee	9-10-76	3,000.00
" " " "	9-27-76	3,000.00
Citizens Voter Education Committee	10-05-76	\$ 4,000.00
" " " "	10-12-76	600.00
" " " "	10-28-76	2,000.00
" " " "	3-21-77	3,390.00
Colony South Brooklyn Houses Voter Registration and Information Project	9-10-76	1,500.00
" " " "	10-25-76	500.00
" " " "	9-24-76	1,000.00
" " " "	10-05-76	250.00
Commando Security Systems Voluntary Registration Drive	10-07-76	269.00
Committee For Two Million	9-01-76	4,000.00
" " " "	9-07-76	2,158.00
" " " "	9-10-76	5,000.00
Cross Bronx Progressive Association, Inc.	10-06-76	500.00
Cunningham, William - Erie County	11-01-76	500.00
Dutchess County	11-01-76	150.00

## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
Erie County Democratic Finance Committee	10-22-76	\$ 2,500.00
Federation of Black Organizations	10-25-76	700.00
Frederick Douglas Democratic Club	10-26-76	350.00
Hansell McGee Jackson Democratic Club	9-21-76	300.00
" " " " "	9-28-76	500.00
" " " " "	10-28-76	100.00
Herman Badillo Political Club	10-29-76	2,000.00
" " " " "	10-30-76	1,300.00
Hispanic Alliance For Voter Education (HAVE)	9-03-76	2,000.00
" " " " "	9-07-76	306.00
" " " " "	9-10-76	2,000.00
" " " " "	9-20-76	2,000.00
" " " " "	9-24-76	2,000.00
" " " " "	9-27-76	500.00
" " " " "	10-05-76	2,000.00
" " " " "	10-06-76	500.00
Hispanic Alliance For Voter Education (HAVE)	10-13-76	300.00
" " " " "	10-22-76	300.00

## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
Jackson Democratic Club	10-28-76	450.00
Lowry, Thomas J. Jr. - Onandaga County	11-01-76	500.00
McDonough, Edward - Rensselaer County	11-01-76	150.00
McIntyre, Joe - Niagara County	11-01-76	250.00
Mid Brooklyn Voter Education League	10-08-76	500.00
" " " " "	10-25-76	300.00
Monroe County-Roger Doud	11-01-76	500.00
" " "	11-01-76	500.00
Monroe County Democratic Committee	9-24-76	1,500.00
" " " "	10-05-76	750.00
Nassau County Democratic Committee	9-24-76	1,000.00
Nassau Economic Opportunity Voter Registration	9-24-76	1,000.00
" " " " "	5-11-77	404.59
New Democratic Club	10-05-76	140.00
New Rochelle NAACP	9-28-76	1,000.00
" " "	10-13-76	1,500.00
" " "	3-24-77	394.62

<u>NAME</u>	<u>EXHIBIT A</u>	<u>DATE</u>	<u>AMOUNT</u>
New York Black Churchmans Coalition for Jimmy Carter		10-26-76	1,000.00
New York State Young Democrats		9-10-76	500.00
" " " "		9-27-76	900.00
New York Student Voter Registration Drive		9-24-76	1,000.00
Holan, Charles - Albany County		11-01-76	500.00
North East Queens Clergy Fellowship		10-15-76	1,000.00
North End Democratic Club		10-12-76	119.50
North Shore Political Action Committee		9-28-76	500.00
Northern Region Black Political Caucus		9-17-76	1,000.00
" " " " "		10-15-76	6,000.00
" " " " "		10-25-76	1,113.50
" " " " "		10-25-76	1,250.00
Oneida County Democratic Committee		11-01-76	250.00
Orange County Democratic Committee		9-20-76	750.00
Orange County Democratic Committee		9-28-76	750.00
" " " " "		10-25-76	600.00



## EXHIBIT A

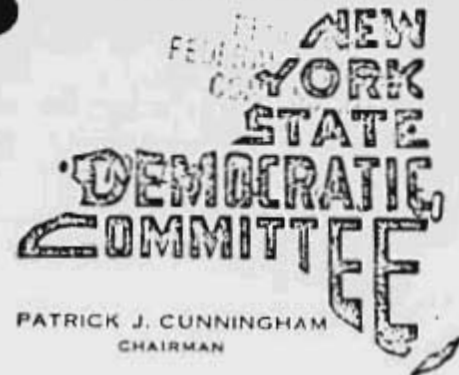
<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
People's Democratic Club	9-28-76	500.00
" " "	10-05-76	500.00
Phillipine American Committee	9-10-76	1,000.00
Reielly, Edwin D. - Schenectady County	11-01-76	150.00
Rockland County Black Political Caucus	5-12-77	250.00
Southeast Queens Voter Registration Committee	9-20-76	500.00
" " " " "	10-11-76	502.00
" " " " "	10-25-76	500.00
Suffolk Democratic Organization & Surrounding Areas	10-25-76	500.00
" " " " "	11-01-76	250.00
Todd 2 Way Radio Local 3036	11-01-76	720.00
Tompkins County Democratic Committee	10-04-76	500.00
United Democratic Club	10-30-76	500.00
University Student Center	10-22-76	\$ 1,664.00
Vanguard Urban Development	9-28-76	500.00
Vanguard Urban Improvement Association	10-08-76	500.00
" " " "	10-25-76	400.00



## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
Voter Registration of Minorities	10-25-76	1,000.00
Voter Registration of Minorities In Nassau	9-24-76	800.00
" " " " " "	10-15-76	800.00
32nd Regular Democratic Club	10-26-76	<u>500.00</u>
	Total	<u>\$102,081.21</u>

NEW YORK  
VOTER REGISTRATION  
DRIVE



April 4, 1979

BERNARD L. CHARLES  
Director

M. DIANE ELLIOTT  
Regional Coordinator

LARRIE C. DILLARD  
Deputy Director

MITCHELL PERLOW  
Volunteer Student Coordinator

901954

Mr. Robert J. Costa  
Assistant Staff Director  
for the Audit Division  
Federal Election Commission

Dear Mr. Costa,

As the person chiefly responsible for the preparation, submission and monitoring of required election data for the New York Voter Registration Drive, I am forwarding the gist of a recent conversation between myself and Mr. Raymond Lisi.

Our committee had been formally advised of the findings and recommendations of the Audit staff resulting from the audit of the New York Voter Registration Drive on September 1, 1979. I explained to Mr. Lisi that our best efforts, over what is at present some three years, to fully comply with the requirements of the statute had fallen short inasmuch as the aforementioned findings and recommendations focus on specific shortcomings or procedural inaccuracies vis a vis reporting election '79 that we have addressed with all the resources at our disposal.

I am requesting your direct involvement at this point because circumstances indicate that the next phase of this matter is clearly avoidable litigation. Over the years that this matter has remained open the staff at the Commission, including Dan Fedderman, Pamela Brown, Glen Buca, Tom Furthen, Charles Henshaw, Orlando B. Potter, Ellen Hughes, Thomas E. Harris, William C. Oldaker and Raymond Lisi have been most helpful and genuinely committed to the resolution of this matter. We as a committee have been no less committed insofar as a timely disposition of this matter is to the benefit of all concerned.

Thanking you in advance for your time and energy,

Yours truly,

Larrie Clay Dillard

BRONX NY 10469

ATTACHMENT 6

4-014838S022 01/22/80 ICS IPHMTZZ CSP WSHB  
2125491176 MGM TDMT BRONX NY 67 01-22 110300 EST 23 AM 11:33

*B. Brown*

CHARLES N STEELE GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

RE MURS10  
DEAR MR STEELE,

AS OUTLINED IN TO MR FEDERMAN NEARLY 4 YEARS AGO IT IS THE FIRM  
INTENTION OF THE NEW YORK STATE VOTER REGISTRATION DRIVE (1976) TO  
RELY ON THE "BEST EFFORTS CLAUSE" OF THE STATUTE. THE CONSILIATION  
OFFER IS AT THIS REMOTE POINT IN TIME UNACCEPTABLE.

VERY TRULY YOURS  
LARRY CLAY DILLARD

11:05 EST

MGMCOMP MGM

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS



FEDERAL ELECTION COMMISSION

1125 K STREET NW  
WASHINGTON, D.C. 20461

August 20, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Larrie Dillard  
Deputy Director  
New York State Voter Registration  
Drive  
800 Third Avenue  
New York, New York 10022

RE: MUR 510 (78)

Dear Mr. Dillard:

This letter is to notify you that on August 16, 1979, the Federal Election Commission, in the ordinary course of carrying out its supervisory responsibilities, has found reason to believe that the New York State Voter Registration Drive ("NYSVRD") may have violated 2 U.S.C. §432(c) by not maintaining adequate records of its receipts and expenditures; 2 U.S.C. §432(d) by not preserving receipts or other contemporaneous memoranda of expenditures in excess of \$100; 2 U.S.C. §434(b)(1) by misreporting its cash-on-hand totals; 2 U.S.C. §434(b)(4) by not reporting the receipt of all transfers from other political committees; 2 U.S.C. §434(b)(7) by not reporting the receipt of in-kind contributions; 2 U.S.C. §434(b)(9) by not itemizing all expenditures in excess of \$100; 2 U.S.C. §434(b)(11) by misreporting the total sum of expenditures during the 1976 calendar year; 2 U.S.C. §434(b)(12) by not disclosing its debts and obligations as required; 2 U.S.C. §437b(a)(2) by not depositing a \$3,250 contribution into its campaign depository; and 2 U.S.C. §437b(b) by making a \$1200 cash disbursement. A copy of the audit report is attached.

Also, on the basis that the NYSVRD apparently shared its offices with the New York State Democratic Party, the Commission determined that the NYSVRD should develop an allocation plan, pursuant to 11 CFR §106.1(e)

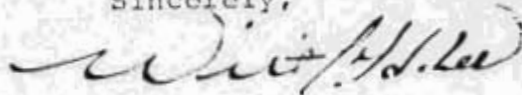
and reimburse the New York State Democratic Party a reasonable amount for the administrative expenses which it provided to the NYSVRD.

These findings are in addition to the March 2, 1978 determination that there was probable cause to believe that the NYSVRD may have violated 2 U.S.C. §434 by not filing its January 31, 1977 year-end report.

Under the Federal Election Campaign Act of 1971, as amended, the Commission must consider such matters expeditiously. Accordingly, please submit within ten (10) days of receipt of this letter any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, please submit the expenditure and receipt information required. If unable to do so, please detail the efforts the committee has made to obtain that information.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you authorize the Commission in writing to make the investigation public. If you have any questions regarding this matter, please contact David Federman, 202/523-4073, the attorney assigned to this matter.

Sincerely,



William C. Oldaker  
General Counsel

Enclosure

L PHELAN  
2734 CLAFLIN AVE  
NEW YORK NY 10456

600#  
12 77  
ATTACHMENT D

FEDERATION/6 X 1044  
4-0472493275 10/02/79 ICS IPHMTZZ CSP WSHB  
2125491176 MGM TDMT NEW YORK NY 111 10-02 0303P EST

79 OCT 3 PI2: 24

Mr: 510

WILLIAM C OLDAKER GENERAL COUNSEL<FEDERAL ELECTRIC COMMISSION  
1325 K ST NORTHWEST  
WASHINGTON DC 20463

DEAR MR OLDAKER

REGARDING YOUR LETTER OF AUGUST 20 1979 PLEASE BE ADVISED THAT THE  
NEW YORK STATE VOTER REGISTRATION DRIVE HAS SUBMITTED DETAILED AND  
EXHAUSTED INFORMATION AS REGARDS QUESTIONS LEFT OPEN BY VIRTUE OF THE  
INSTANT AUDIT. ALTHOUGH WE HAVE STATED PREVIOUSLY THAT OUR BEST  
EFFORTS TO ANSWER OPEN QUESTIONS HAVE BEEN MADE THE THREAT OF SUIT  
REMAINS UNABATED. WE ARE PREPARING A LETTER TO RESPOND TO YOUR LETTER  
OF AUGUST 20 ON A POINT BY POINT BASIS. THAT LETTER AND EXISTING  
SUPPORTIVE DATA WILL FOLLOW SHORTLY VERY TRULY YOURS

LARRY DILLARD DEPUTY DIRECTOR NYSVRD

15:04 EST

MGMCOMP MGM



L PHELAN  
2734 CLAFLIN AVE  
BRONX NY 10456

1137

ATTACHMENT

E



COMMISSION

4-0288318288 10/15/79 ICS IPMRNCZ CSP WSHB  
2125491176 MGM TORN BRONX NY 167 10-15 1232P EST OCT 16 PM 12:00

*Federman*

WILLIAM OLDAKER, CARE OFFICE OF COUNCIL, FEDERAL ELECTION COMMISSION  
1325 K ST NORTHWEST  
WASHINGTON DC 20463

DEAR SIR:

PLEASE BE ADVISED THAT WITH RESPECT TO ALLEGED VIOLATIONS OF 2 USC  
SECTION 431, 434 AND 11CFR SECTION 106 THAT THE NYVRD INDIVIDUALLY  
AND SEVERALLY DENIES.

ALL RECEIPT AND EXPENDITURE INFORMATION RELATIVE TO QUESTIONS ARISING  
OUT OF THE ABOVE MENTIONED US CODE ALLEGED VIOLATIONS HAVE HERETOFOR  
BEEN MADE AVAILABLE TO THE COMMISSION, MOST RECENTLY AT EXIT AUDIT  
CONDUCTED IN NEW YORK ON SEPTEMBER 1 1978 BY MR CHARLES MANSHAW AND  
MR GLEN BUCA OF YOUR STAFF.

OUR BEST EFFORTS OVER THE PAST THREE YEARS TO RESOLVE THIS DELINQUENT  
MATTER HAVE YIELDED AN ENORMOUS FILE OF CROSS CORRESPONDENCE THAT IS  
TOO VOLUMINOUS TO FORWARD BY POST. PLEASE ARRANGE AT YOUR CONVENIENCE  
A MEETING AT YOUR OFFICES TO REVIEW WITH PARTICULARITY THE CONTENTS  
OF SAID FILE PRIOR TO INSTITUTION OF THREATENED LEGAL SANCTIONS.

IN CLOSING, THIS WRITING SHOULD BE CONSTRUED AS FULL AUTHORIZATION TO  
MAKE THE INVESTIGATION PUBLIC.

SINCERELY  
LARRIE CLAY DILLARD

12133 EST

MGMCOMP MGM

14:21 91130 61  
RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

March 17, 1980

CERTIFIED MAIL  
RETURNED RECEIPT REQUESTED

Mr. Bernard C. Charles, Treasurer  
New York State Voter Registration Drive  
109 Old Wyack Turnpike  
Spring Valley, New York 10977

RE: MUR 510

Dear Mr. Charles:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on August 13, 1979, found reason to believe that your committee may have violated sections 432(c); 432(d); 434(b)(1); 434(b)(4); 434(b)(7); 434(b)(9); 434(b)(11); 434(b)(12); 437b(a)(2); and 437b(b) of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

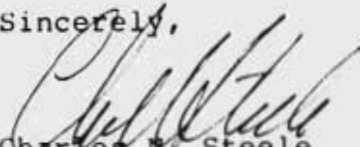
Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

Letter to: Bernard C. Charles  
Page 2  
MUR 510

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement. This does not preclude settlement of this matter through informal conciliation prior to a finding of probable cause to believe, if you so desire.

Should you have any questions, please contact David Federman at 202/523-4529.

Sincerely,



Charles M. Steele  
General Counsel

Enclosure  
Brief

cc: Larrie Dillard



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO THE FILE ON MUR 510

FROM: MARJORIE W. EMMONS

*MWE*

Commissioner Reiche withdrew his "objection" to the  
Interim Investigatory Report on MUR 510 following discussion  
at the Commission's Executive Session of December 5, 1979.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: CHARLES STEELE  
FROM: MARJORIE W. EMMONS *L\$*  
DATE: NOVEMBER 27, 1979  
SUBJECT: MUR 510

The above-named document was circulated on a 24-hour basis at 4:00 p.m., November 21, 1979.

Commissioner Reiche submitted an objection at 4:51 p.m., November 26, 1979, thereby placing MUR 510 on the Executive Session agenda for December 5, 1979.

Attached hereto is Commissioner Reiche's vote sheet with comments.

cc w/o attachment:  
Commissioner Reiche



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

KF

DATE AND TIME OF TRANSMITTAL 11-21-79, 4:00

Commissioner FRIEDERDORF, AIKENS, TIERNAN, McGARRY, REICHE, HAFRIS

RETURN TO THE OFFICE OF COMMISSION SECRETARY BY: FRIDAY, NOVEMBER 23, 1979  
4:00

MUR No. 510 - Interim Investigatory Report dated 11-20-79

(☒) I object to the recommendation in the attached report.

COMMENTS: Believe we should be informed of the  
action to be taken.

Date 11/26/79

Signature

Frank P. Reiche

OBJECTIONS, SIGNED AND DATED, MUST BE RECEIVED IN THE COMMISSION SECRETARY'S OFFICE NO LATER THAN THE DATE AND TIME SHOWN ABOVE OR THE MATTER WILL BE DEEMED APPROVED. PLEASE RETURN ALL PAPERS TO THE OFFICE OF THE SECRETARY TO THE COMMISSION.





November 21, 1979

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 510

Please have the attached Interim Invest Report on  
MUR 510 distributed to the Commission.

Thank you.

81030241903

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of  
New York State Voter  
Registration Drive


)  
)  
)  
)

MUR 510

INTERIM INVESTIGATORY REPORT

On October 16, 1979 the Office of General Counsel received the attached mailgram from the respondent requesting that a meeting be scheduled to discuss this matter. However, we have been unable to arrange such a meeting, as respondent has not responded to our attempts to schedule one. Communication with this committee has proven to be troublesome in the past.

20 November 1979  
Date

  
\_\_\_\_\_  
Charles N. Steele  
Acting General Counsel

Attachment

L PHELAN  
2734 CLAFLIN AVE  
BRONX NY 10456

11373

western union Mailgram



4-028831S288 10/15/79 ICS IPMRNCZ CSP WSHB  
2125491176 MGM TDRN BRONX NY 167 10-15 1232P OCT 16 PM 12:00

Federer

WILLIAM OLDAKER, CARE OFFICE OF COUNCIL, FEDERAL ELECTION COMMISSION  
1325 K ST NORTHWEST  
WASHINGTON DC 20463

DEAR SIR:

PLEASE BE ADVISED THAT WITH RESPECT TO ALLEGED VIOLATIONS OF 2 USC  
SECTION 431, 434 AND 11CFR SECTION 106 THAT THE NYVRD INDIVIDUALLY  
AND SEVERALLY DENIES.

ALL RECEIPT AND EXPENDITURE INFORMATION RELATIVE TO QUESTIONS ARISING  
OUT OF THE ABOVE MENTIONED US CODE ALLEGED VIOLATIONS HAVE HERETOFOR  
BEEN MADE AVAILABLE TO THE COMMISSION, MOST RECENTLY AT EXIT AUDIT  
CONDUCTED IN NEW YORK ON SEPTEMBER 1 1978 BY MR CHARLES HANSHAW AND  
MR GLEN BUCA OF YOUR STAFF.

OUR BEST EFFORTS OVER THE PAST THREE YEARS TO RESOLVE THIS DELINQUENT  
MATTER HAVE YIELDED AN ENORMOUS FILE OF CROSS CORRESPONDENCE THAT IS  
TOO VOLUMINOUS TO FORWARD BY POST. PLEASE ARRANGE AT YOUR CONVENIENCE  
A MEETING AT YOUR OFFICES TO REVIEW WITH PARTICULARITY THE CONTENTS  
OF SAID FILE PRIOR TO INSTITUTION OF THREATENED LEGAL SANCTIONS.

CLOSING, THIS WRITING SHOULD BE CONSTRUED AS FULL AUTHORIZATION TO  
MAKE THE INVESTIGATION PUBLIC.

SINCERELY  
LARRIE CLAY DILLARD

12:33 EST

MGMCOMP MGM

10:21 9/10/67

RECEIVED  
GENERAL COUNSEL  
OCT 16 1979



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*  
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*  
DATE: OCTOBER 16, 1979  
SUBJECT: MUR 510 - Interim Investigatory Report  
dated 10-15-79: Received in OCS  
10-15-79, 12:18

The above-named document was circulated to the Commission on a 24-hour no-objection basis at 4:00, October 15, 1979.

There were no objections to the Interim Investigatory Report at the time of the deadline.

October 15, 1979

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 510

Please have the attached InterimInvest Report on  
MUR 510 distributed to the Commission.

Thank you.

81030241912

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of  
  
New York State Voter  
Registration Drive

)  
)  
)  
)  
)

MUR 510

9 OCT 15 P12:18

INTERIM INVESTIGATORY REPORT

On August 16, 1979, the Commission found reason to believe that the New York State Voter Registration Drive ("NYSVRD") may have violated various provisions of the Act. The deputy director of the NYSVRD received the Commission notification on or about September 4, 1979 and on October 3, 1979 the Office of General Counsel received the attached mailgram indicating that a full response to the Commission's findings would be submitted "shortly." The deputy director of the NYSVRD, clarifying that statement, stated that the response would be submitted within five (5) days.

As soon as the response is received a report will be submitted to the Commission.

10/15/79

Date

William C. Oldaker

William C. Oldaker  
General Counsel

Attachment



L PHELAN  
2734 CLAFLIN AVE  
NEW YORK NY 10456

 Mailgram  
western union



4-0472498275 10/02/79 ICS IPMMTZZ CSP WSHB  
2125491176 MGM TDMT NEW YORK NY 111 10-02 0303P EST

79 OCT 3 PI2: 24

WILLIAM C OLDAKER GENERAL COUNSEL<FEDERAL ELECTRIC COMMISSION  
1325 K ST NORTHWEST  
WASHINGTON DC 20463

DEAR MR OLDAKER

REGARDING YOUR LETTER OF AUGUST 20 1979 PLEASE BE ADVISED THAT THE  
NEW YORK STATE VOTER REGISTRATION DRIVE HAS SUBMITTED DETAILED AND  
EXHAUSTED INFORMATION AS REGARDS QUESTIONS LEFT OPEN BY VIRTUE OF THE  
INSTANT AUDIT. ALTHOUGH WE HAVE STATED PREVIOUSLY THAT OUR BEST  
EFFORTS TO ANSWER OPEN QUESTIONS HAVE BEEN MADE THE THREAT OF SUIT  
REMAINS UNABATED. WE ARE PREPARING A LETTER TO RESPOND TO YOUR LETTER  
OF AUGUST 20 ON A POINT BY POINT BASIS. THAT LETTER AND EXISTING  
SUPPORTIVE DATA WILL FOLLOW SHORTLY VERY TRULY YOURS  
LARRY DILLARD DEPUTY DIRECTOR NYSVRD

15104 EST

MGMCOMP MGM

L PHELAN  
2734 CLAFLIN AVE  
BRONX NY 10456

11373

Western Union Mailgram



COMMISSION

4-0288318288 10/15/79 ICS IPMRNCZ CSP WSHB  
2125491176 MGM TORN BRONX NY 167 10-15 1232P OCT 16 PM 12:00

MVR  
510

WILLIAM OLDAKER, CARE OFFICE OF COUNCIL, FEDERAL ELECTION COMMISSION  
1325 K ST NORTHWEST  
WASHINGTON DC 20463

DEAR SIR:

PLEASE BE ADVISED THAT WITH RESPECT TO ALLEGED VIOLATIONS OF 2 USC  
SECTION 431, 434 AND 11CFR SECTION 106 THAT THE NYVRD INDIVIDUALLY  
AND SEVERALLY DENIES.

ALL RECEIPT AND EXPENDITURE INFORMATION RELATIVE TO QUESTIONS ARISING  
OUT OF THE ABOVE MENTIONED US CODE ALLEGED VIOLATIONS HAVE HERETOFOR  
BEEN MADE AVAILABLE TO THE COMMISSION, MOST RECENTLY AT EXIT AUDIT  
CONDUCTED IN NEW YORK ON SEPTEMBER 1 1978 BY MR CHARLES MANSHAW AND  
MR GLEN BUCA OF YOUR STAFF.

OUR BEST EFFORTS OVER THE PAST THREE YEARS TO RESOLVE THIS DELINQUENT  
MATTER HAVE YIELDED AN ENORMOUS FILE OF CROSS CORRESPONDENCE THAT IS  
TOO VOLUMINOUS TO FORWARD BY POST. PLEASE ARRANGE AT YOUR CONVENIENCE  
A MEETING AT YOUR OFFICES TO REVIEW WITH PARTICULARITY THE CONTENTS  
OF SAID FILE PRIOR TO INSTITUTION OF THREATENED LEGAL SANCTIONS.

IN CLOSING, THIS WRITING SHOULD BE CONSTRUED AS FULL AUTHORIZATION TO  
MAKE THE INVESTIGATION PUBLIC.

SINCERELY  
LARRIE CLAY DILLARD

12133 EST

MGMCOMP MGM

19 OCT 16 PM 12:41

GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION



**Mailgram<sup>®</sup>**



MAIL GRAM POSTAL  
CHARGES - AIR

THIS MAILGRAM WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

RECEIVED  
FEB 11 1964  
COMMUNICATIONS SECTION

L PHELAN  
2734 CLAFLIN AVE  
NEW YORK NY 10456



western union

Mailgram



4-0472498275 10/02/79 ICS IPHMTZZ CSP WSHB  
2125491176 MGM TDMT NEW YORK NY 111 10-02 0303P EST

79 OCT 3 PI2: 24

WILLIAM C OLDAKER GENERAL COUNSEL<FEDERAL ELECTRIC COMMISSION  
1325 K ST NORTHWEST  
WASHINGTON DC 20463

DEAR MR OLDAKER

REGARDING YOUR LETTER OF AUGUST 20 1979 PLEASE BE ADVISED THAT THE  
NEW YORK STATE VOTER REGISTRATION DRIVE HAS SUBMITTED DETAILED AND  
EXHAUSTED INFORMATION AS REGARDS QUESTIONS LEFT OPEN BY VIRTUE OF THE  
INSTANT AUDIT. ALTHOUGH WE HAVE STATED PREVIOUSLY THAT OUR BEST  
EFFORTS TO ANSWER OPEN QUESTIONS HAVE BEEN MADE THE THREAT OF SUIT  
REMAINS UNABATED. WE ARE PREPARING A LETTER TO RESPOND TO YOUR LETTER  
OF AUGUST 20 ON A POINT BY POINT BASIS. THAT LETTER AND EXISTING  
SUPPORTIVE DATA WILL FOLLOW SHORTLY VERY TRULY YOURS

LARRY DILLARD DEPUTY DIRECTOR NYSVRD

15104 EST

MGMCOMP MGM



**Mailgram<sup>®</sup>**



MAILGRAM POSTAL  
CHARGES PAID

THIS MAILGRAM WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*

DATE: SEPTEMBER 11, 1979

SUBJECT: MUR 510 (78) - Interim Investigatory  
Report dated 9-4-79; Signed by GC  
9-7-79; Received in OCS 9-10-79,  
12:07

The above-named document was circulated to  
the Commission on a 24-hour no-objection basis  
at 4:00, September 10, 1979.

There were no objections to the Interim Investigatory  
Report at the time of the deadline.



September 10, 1979

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 510

Please have the attached Interim Invest Report on  
MUR 510 distributed to the Commission.

Thank you.

81030241920

BEFORE THE FEDERAL ELECTION COMMISSION  
September 4, 1979

9 SEP 10 12:07

In the Matter of )  
 )  
The New York State Voter ) MUR 510(78)  
Registration Drive )

INTERIM INVESTIGATORY REPORT

On August 16, 1979 the Commission found reason to believe that the committee may have violated various provisions of the Act. On August 20, 1979 the notification letter was mailed. The notification letter was returned to this office on August 30, 1979 and remailed on August 31, 1979.

This office is currently awaiting the committee's response, at which time a report will be submitted to the Commission.

4/1/79  
Date

William C. Oldaker  
General Counsel



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

August 20, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Larrie Dillard  
Deputy Director  
New York State Voter Registration  
Drive  
800 Third Avenue  
New York, New York 10022

RE: MUR 510 (78)

Dear Mr. Dillard:

This letter is to notify you that on August 16, 1979, the Federal Election Commission, in the ordinary course of carrying out its supervisory responsibilities, has found reason to believe that the New York State Voter Registration Drive ("NYSVRD") may have violated 2 U.S.C. §432(c) by not maintaining adequate records of its receipts and expenditures; 2 U.S.C. §432(d) by not preserving receipts or other contemporaneous memoranda of expenditures in excess of \$100; 2 U.S.C. §434(b)(1) by misreporting its cash-on-hand totals; 2 U.S.C. §434(b)(4) by not reporting the receipt of all transfers from other political committees; 2 U.S.C. §434(b)(7) by not reporting the receipt of in-kind contributions; 2 U.S.C. §434(b)(9) by not itemizing all expenditures in excess of \$100; 2 U.S.C. §434(b)(11) by misreporting the total sum of expenditures during the 1976 calendar year; 2 U.S.C. §434(b)(12) by not disclosing its debts and obligations as required; 2 U.S.C. §437b(a)(2) by not depositing a \$3,250 contribution into its campaign depository; and 2 U.S.C. §437b(b) by making a \$1200 cash disbursement. A copy of the audit report is attached.

Also, on the basis that the NYSVRD apparently shared its offices with the New York State Democratic Party, the Commission determined that the NYSVRD should develop an allocation plan, pursuant to 11 CFR §106.1(e)

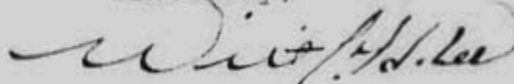
and reimburse the New York State Democratic Party a reasonable amount for the administrative expenses which it provided to the NYSVRD.

These findings are in addition to the March 2, 1978 determination that there was probable cause to believe that the NYSVRD may have violated 2 U.S.C. §434 by not filing its January 31, 1977 year-end report.

Under the Federal Election Campaign Act of 1971, as amended, the Commission must consider such matters expeditiously. Accordingly, please submit within ten (10) days of receipt of this letter any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, please submit the expenditure and receipt information required. If unable to do so, please detail the efforts the committee has made to obtain that information.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you authorize the Commission in writing to make the investigation public. If you have any questions regarding this matter, please contact David Federman, 202/523-4073, the attorney assigned to this matter.

Sincerely,



William C. Oldaker  
General Counsel

Enclosure



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

8/17/78

Mr. Larrie Dillard  
Deputy Director  
New York State Voter Registration  
Drive  
800 Third Avenue  
New York, New York 10022

RE: MUR 510 (78)

Dear Mr. Dillard:

This letter is to notify you that on <sup>Aug 16</sup> ~~July~~ 1979, the Federal Election Commission, in the ordinary course of carrying out its supervisory responsibilities, has found reason to believe that the New York State Voter Registration Drive ("NYSVRD") may have violated 2 U.S.C. §432(c) by not maintaining adequate records of its receipts and expenditures; 2 U.S.C. §432(d) by not preserving receipts or other contemporaneous memoranda of expenditures in excess of \$100; 2 U.S.C. §434(b)(1) by misreporting its cash-on-hand totals; 2 U.S.C. §434(b)(4) by not reporting the receipt of all transfers from other political committees; 2 U.S.C. §434(b)(7) by not reporting the receipt of in-kind contributions; 2 U.S.C. §434(b)(9) by not itemizing all expenditures in excess of \$100; 2 U.S.C. §434(b)(11) by misreporting the total sum of expenditures during the 1976 calendar year; 2 U.S.C. §434(b)(12) by not disclosing its debts and obligations as required; 2 U.S.C. §437b(a)(2) by not depositing a \$3,250 contribution into its campaign depository; and 2 U.S.C. §437b(b) by making a \$1200 cash disbursement. A copy of the audit report is attached.

Also, on the basis that the NYSVRD apparently shared its offices with the New York State Democratic Party, the Commission determined that the NYSVRD should develop an allocation plan, pursuant to 11 CFR §106.1(e)

and reimburse the New York State Democratic Party a reasonable amount for the administrative expenses which it provided to the NYSVRD.

These findings are in addition to the March 2, 1978 determination that there was probable cause to believe that the NYSVRD may have violated 2 U.S.C. §434 by not filing its January 31, 1977 year-end report.

Under the Federal Election Campaign Act of 1971, as amended, the Commission must consider such matters expeditiously. Accordingly, please submit within ten (10) days of receipt of this letter any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, please submit the expenditure and receipt information required. If unable to do so, please detail the efforts the committee has made to obtain that information.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you authorize the Commission in writing to make the investigation public. If you have any questions regarding this matter, please contact David Federman, 202/523-4073, the attorney assigned to this matter.

Sincerely,

ls/

William C. Oldaker  
General Counsel

Enclosure

100-30044925

27



8103741026

MUR 510 (78)

## CERTIFICATION

1. Find reason to believe the New York State Voter Registration Drive may have violated:

2. Direct the New York State Voter Registration Drive to develop an allocation plan pursuant to 11 C.F.R. §106.1(e) and reimburse the New York State Democratic Party for the administrative expenses it provided.

(Continued)



MUR 510 (78)  
General Counsel's Report  
Dated August 13, 1979  
CERTIFICATION

Page 2

3. Send the letter attached to the above-named report.

Voting for this determination were Commissioners  
Friedersdorf, Harris, McGarry, and Tiernan.

Attest:

8-16-79

Date

Margaret E. Chaney  
for Marjorie W. Emmons  
Secretary to the Commission

Received in Office of Commission Secretary: 8-13-79, COB  
Circulated on 48 hour vote basis: 8-14-79, 11:00

81030241027

August 13, 1979

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 510

Please have the attached General Counsel's Report on MUR 510 distributed to the Commission on a 48 hour tally basis.

Thank you.

81030244928

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 510 (78)  
New York State Voter )  
Registration Drive )

GENERAL COUNSEL'S REPORT

Background

This matter was originally referred to the Office of General Counsel in January 1978 after the New York State Voter Registration Drive (the "Committee") had failed to file its January 31, 1977 year-end report, in violation of 2 U.S.C. §434.

On March 2, 1978, the Commission found probable cause to believe that the committee had violated 2 U.S.C. §434. Thereafter, on April 10, 1978 a committee representative met with Commission staff and on May 1, 1978, the treasurer of the committee hand-delivered the committee's January 31, 1977 year-end report.

As the year-end report had been filed, the Office of General Counsel recommended that the matter be settled through conciliation, rather than the filing of a civil action for relief. In addition, due to a number of inconsistencies in the committee's reports, the Office of General Counsel recommended that the committee be audited.

On July 12, 1978, the Commission directed the Audit Division to audit the committee, but withheld action on the late filer violation pending the submission of the audit report.

On March 6, 1979, the Audit Division submitted its findings and recommendations to the committee and afforded it 30 days in which to respond (Attachment A). The committee responded

by letter on April 4, 1979. (Attachment B). On April 18, 1979, the Audit Division referred the matter to this office.<sup>1/</sup>

The committee, at this time, has neither complied with the recommendations of the Audit Division nor demonstrated any attempts it has made to comply with the recommendations.

#### Analysis

The audit of the committee revealed apparent violations of the record-keeping and reporting requirements of 2 U.S.C. §432 and §434, as well as possible violations of 2 U.S.C. §433 and §437b. <sup>2/</sup> These apparent violations can be summarized as follows:

1. A total of 202 expenditures, each in excess of \$100, were not supported by receipted bills, invoices, or other contemporaneous memoranda, as required by 2 U.S.C. §432(d) and 11 C.F.R. §102.9(c)(4). The total value of the 202 expenditures was \$126,306.91.

2. 56 expenditures totalling \$31,259.07 were not reported by the committee, as required by 2 U.S.C. §434(b)(11). Of that number, 46 were in excess of \$100, but were not itemized on the committee's reports as required by 2 U.S.C. §434(b)(9).

3. The committee apparently failed to report the receipt of 3 transfers, totalling \$37,500, from the Democratic National Committee Services Corporation, as required by 2 U.S.C. §434(b)(4). In addition, 4 transfers totalling \$75,000 were reported, but not itemized, as required by 2 U.S.C. §434(b)(4).

4. The committee apparently received \$14,098.98 in in-kind contributions, consisting of voter registration materials, from the Democratic National Committee Services Corporation as well as

<sup>1/</sup> See Attachment C

<sup>2/</sup> Attachment D - Audit Report

81030041930

5. The committee reported the receipt of a \$3,250.00 contribution on November 1, 1976, for which there was no corresponding deposit into the committee's treasury, nor was the contribution reported by the contribution committee, the Democratic National Committee Services Corporation. This apparently was either a violation of 2 U.S.C. §437b(a)(2), requiring the depositing of all contributions to a committee's depository, or a 2 U.S.C. §434(b) reporting violation.

6. At the time the committee closed its checking account on June 3, 1977, the committee had five (5) outstanding checks, totalling



\$1,933. These outstanding checks were not disclosed as debts on its termination report, and therefore a violation of 2 U.S.C. §434(b)(12) may have occurred.

7. The committee's January 31, 1977 year-end report disclosed an opening cash balance \$1,072.11 in excess of what it apparently had. As a result, the subsequent cash on hand totals were overstated.

8. The committee issued a check in the amount of \$1,200.00 payable to cash, which was not used to replenish the petty cash fund. The cash was apparently used for election-day expenses.

9. The committee also filed its Statement of Organization and April 10, 1977 Quarterly Report late.

In light of the numerous apparent record-keeping and reporting violations, the Office of General Counsel recommends that the Commission find reason to believe that the Committee violated 2 U.S.C. §§432(e); 432(d); 434(b)(1); 434(b)(4); 434(b)(7); 434(b)(9); 434(b)(11); and 434(b)(12). In addition, the Committee may have failed to deposit a \$3,250 contribution into its campaign depository and may have made a \$1200 cash disbursement in apparent violation of 2 U.S.C. §437b. The Office of General Counsel therefore recommends that the Commission find reason to believe the Committee may have violated 2 U.S.C. §§437b(a)(2) and 437b(b).

Although the Committee filed its Statement of Organization approximately 30 days late, no compliance action is being recommended.

It should also be noted that these findings are in addition to the March 1978 finding that there was probable cause to believe the Committee had violated 2 U.S.C. §434 by not filing its January 31, 1977 year-end report.

Recommendations

1. Find reason to believe the New York State Voter Registration Drive may have violated:
  - a. 2 U.S.C. §432(c)
  - b. 2 U.S.C. §432(d)
  - c. 2 U.S.C. §434(b)(1)
  - d. 2 U.S.C. §434(b)(4)
  - e. 2 U.S.C. §434(b)(7)
  - f. 2 U.S.C. §434(b)(9)
  - g. 2 U.S.C. §434(b)(11)
  - h. 2 U.S.C. §434(b)(12)
  - i. 2 U.S.C. §437b(a)(2)
  - j. 2 U.S.C. §437b(b)
2. Direct the New York State Voter Registration Drive to develop an allocation plan pursuant to 11 C.F.R. §106.1(e) and reimburse the New York State Democratic Party for the administrative expenses it provided.
3. Send attached letter.

8/13/19

Date

*William C. Oldaker*

William C. Oldaker  
General Counsel

Attachments

1. Audit Notification - Attachment A
2. Committee response - Attachment B
3. Audit referral - Attachment C
4. Audit Report - Attachment D
5. Notification Letter

81030241033





## FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

March 6, 1979

Mr. Bernard C. Charles, Treasurer  
New York State Voter Registration Drive  
109 Old Nyack Turnpike  
Spring Valley, New York 10977

Dear Mr. Charles:

The attached is to formally advise you of the findings and recommendations of the Audit staff resulting from the audit of the New York State Voter Registration Drive, ("the Committee"). These matters were discussed with Larrie Dillard in an exit conference in New York, on September 1, 1978.

You are requested to comply with the stated recommendations within 30 days of receipt of this letter. After expiration of the 30 day period and receipt of your response, the Audit staff will present a final audit report to the Commission for approval and subsequent public release. Efforts to comply with the recommendations will be noted in the report.

Should you not respond adequately to these recommendations within the time specified above, in accordance with Commission policy, the matter will be referred to the Commission's Office of General Counsel with a recommendation that an order or subpoena be prepared requiring compliance with the staff recommendations.

If you have any questions regarding these matters, please do not hesitate to contact Mr. Raymond Lisi or Mr. Glen J. Buco at (202) 523-4155 or toll free at (800) 424-9530.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert J. Costa".  
Robert J. Costa  
Assistant Staff Director  
for the Audit Division

Attachment as stated

CERTIFIED MAIL:  
RETURN RECEIPT REQUESTED:



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

8103024193

*14*  
*Moved not*  
*Hawaii State*

Mr. Larrie Dillard  
Deputy Director  
New York State Voter Registration Drive  
800 Third Ave.  
New York, New York 10022

POSTAGE AND FEES PAID



CERTIFIED

943576

*Miss SIDCES Bedarra*

- SENDER Complete items 1, 2, and 3  
Add your address in the RETURN TO space on  
REVERSE

1. The following service is requested (check one)

- ☐ Show to whom and date delivered C  
☐ Show to whom, date, and address of delivery C  
☐ RESTRICTED DELIVERY C  
☐ Show to whom and date delivered  
☐ RESTRICTED DELIVERY  
☐ Show to whom, date, and address of delivery \$  
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

*Larrie Willard*

3. ARTICLE DESCRIPTION

REGISTERED NO | CERTIFIED NO | INSURED NO

*943576*

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

CLERK'S  
INITIALS

1-5-77

WDCPO 1977-0-249-595

8-30 -  
Recd 8-31

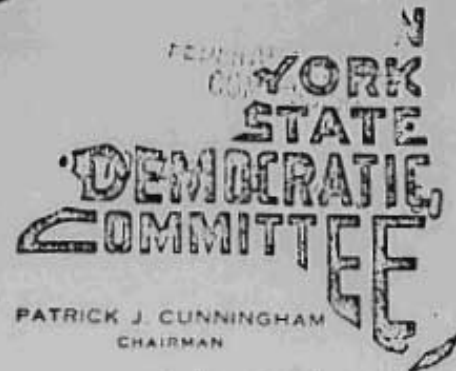
NEW YORK  
VOTER REGISTRATION  
DRIVE

BERNARD L. CHARLES  
Director

M. DIANE ELLIOTT  
Regional Coordinator

LARRIE C. DILLARD  
Deputy Director

MITCHELL PERLOW  
Volunteer Student Coordinator



PATRICK J. CUNNINGHAM  
CHAIRMAN

April 4, 1979

901354

Mr. Robert J. Costa  
Assistant Staff Director  
for the Audit Division  
Federal Election Commission

Dear Mr. Costa,

As the person chiefly responsible for the preparation, submission and monitoring of required election data for the New York Voter Registration Drive, I am forwarding the gist of a recent conversation between myself and Mr. Raymond Lisi.

Our committee had been formally advised of the findings and recommendations of the Audit staff resulting from the audit of the New York Voter Registration Drive on September 1, 1979. I explained to Mr. Lisi that our best efforts, over what is at present some three years, to fully comply with the requirements of the statute had fallen short inasmuch as the aforementioned findings and recommendations focus on specific shortcomings or procedural inaccuracies vis a vis reporting election '76 that we have addressed with all the resources at our disposal.

I am requesting your direct involvement at this point because circumstances indicate that the next phase of this matter is clearly avoidable litigation. Over the years that this matter has remained open the staff at the Commission, including Dan Fedderman, Pamela Brown, Glen Euca, Tom Furthen, Charles Hanshaw, Orlando B. Potter, Ellen Hughes, Thomas E. Harris, William C. Oldaker and Raymond Lisi have been most helpful and genuinely committed to the resolution of this matter. We as a committee have been no less committed insofar as a timely disposition of this matter is to the benefit of all concerned.

Thanking you in advance for your time and energy,

Yours truly,

Larrie Clay Dillard

ATTACHMENT C

CC: - - -



## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

April 19, 1979

MEMORANDUM

TO: BILL OLDAKER

THROUGH: ORLANDO B. POTTER  
STAFF DIRECTOR

FROM: *RC* BOB COSTA/RAY LISI *RC* 6

SUBJECT: NEW YORK STATE VOTER REGISTRATION  
DRIVE (THE COMMITTEE)

On July 12, 1978, the Commission directed the Audit Division to conduct an audit of the New York State Voter Registration Drive. On March 6, 1979, the Audit Division forwarded to the Committee a letter of audit findings and recommendations (see Attachment 1), requesting the Committee to comply with the stated recommendations within 30 days of receipt of our letter. The Committee's response period expired on April 9, 1979.

On March 23, 1979, an Audit staff member received a telephone call from Mr. Larry Dillard, who stated that he was representing the Treasurer of the Committee. Mr. Dillard stated that he felt that the Committee had used its best efforts to comply with the statute, and that any additional efforts would be futile. Mr. Dillard agreed to state the Committee's reasons for not complying with any of the audit recommendations in a letter to the Audit Division.

On Friday, April 13, 1979, the Committee Treasurer, Mr. Bernard C. Charles was contacted concerning the letter of response. Mr. Charles stated that the letter, due to extenuating circumstances (work related travel), had not been sent, but was being prepared and would be received within the near future. However, the letter was actually received at the Commission on April 13, 1979 (see Attachment 2).

Since the Committee has failed to comply with the audit recommendations, this matter is being referred to your office for consideration.

Attachments as stated





## Audit Findings and Recommendations

A. Preservation of Receipts

Section 432(d) of Title 2 of the United States Code states, in part, that it shall be the duty of the treasurer to keep a receipted bill, stating the particulars, for every expenditure made by a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100.

In addition, Section 102.9(c)(4) of Title 11 of the Code of Federal Regulations states that when a receipted bill is not available, the treasurer may keep the cancelled check showing payment(s) of the bill, and the bill, invoice, or other contemporaneous memorandum of the transaction.

Our review of the Committee's expenditure records disclosed the following:

(1) Ninety-six (96) expenditures, each in an aggregate amount or value in excess of \$100, totaling \$24,225.70 were not supported by receipted bills, invoices, or other contemporaneous memoranda. These unsupported expenditures represent approximately 80.6% of the total number and 64.5% of the total dollar value of the operating expenditures requiring supporting documentation. Cancelled checks were retained for 91 of the expenditures.

(2) One hundred six (106) expenditures, each in excess of \$100, totaling \$102,081.21 were made to 61 individuals and organizations to enable them to conduct Voter Registration and Get-Out-The-Vote activities in various sections of the state (See Exhibit A). The Committee did not obtain and keep receipted bills, invoices, or other contemporaneous memoranda supporting the expenditures. These unsupported expenditures represent approximately 84.8% of the total number and 84.8% of the total dollar amount of expenditures made for Voter Registration and Get-Out-The-Vote activities.

According to Committee officials, the Committee was authorized and funded by the Democratic National Committee to conduct Voter Registration and Get-Out-The-Vote activities for the benefit of the Carter-Mondale campaign.

Recommendation

The Audit staff recommends that the Committee obtain the documentation supporting the expenditures noted in (1) above and submit copies to the Audit staff for review or present evidence of its efforts to do so within 30 days of receipt of this letter. Additionally, it is our recommendation that the Committee obtain the supporting documentation, from the individuals and organizations, for the particulars of the expenditures noted in (2) above and submit copies to the Audit staff for review or present evidence of its efforts to do so within the 30 day period. Recommendations concerning further Committee action (amendments to disclosure reports, etc.) with respect to the activities noted in (2) above will be dependent upon our review of the documentation obtained by the Committee.

B. Disclosure of Expenditures

Section 434(b)(9) of Title 2 of the United States Code requires the disclosure within each report of the identification of each person to whom expenditures have been made by or on behalf of the committee within a calendar year in an aggregate amount or value in excess of \$100 together with the amount, date, and purpose of each such expenditure. In addition, Section 434(b)(11) of Title 2 of the United States Code requires the disclosure of the total sum of expenditures made by such committee during the calendar year.

Our review of expenditure records revealed that the Committee did not report 56 expenditures which totaled \$31,259.07. These expenditures represent approximately 4.3% of the total number and 18.4% of the total dollar amount of expenditures required to be reported.

Forty-six (46) of these expenditures were in excess of or aggregated in excess of \$100.00 and were required to be itemized. The Committee provided no explanation concerning the non-reporting of the expenditures.

Recommendation

The Audit staff recommends that the Committee file an amended report itemizing the 46 expenditures, and disclosing as unitemized the remaining expenditures, within 30 days of receipt of this letter.



C. Disclosure of Transfers and Total Receipts

Section 434(b)(4) and (8) of Title 2 of the United States Code states, in part, that each report shall disclose the name and address of each political committee from which the reporting committee received any transfer of funds, together with the amounts and dates of all transfers. In addition, the report shall disclose the total sum of all receipts during the reporting period.

It was determined that the Committee did not report the receipt of three (3) transfers totaling \$37,500.00. As a result, the total receipts for the period were understated. In addition, the Committee did not itemize the receipt of four (4) transfers totaling \$75,000, but reported the four (4) transfers as unitemized receipts.

No explanation concerning the Committee failure to report the \$37,500 or itemize the \$75,000 in transfers was provided by the Committee.

Recommendation

It is the recommendation of the Audit staff that the Committee file an amended report within 30 days of receipt of this letter itemizing the transfers and disclosing the correct total of receipts for the period.

D. Allocation of Administrative Expenses

*Disclosure of in-kind*

Section 434(b)(2) of Title 2 of the United States Code states, in part, that each report shall disclose the full name and mailing address of each person who has made one or more contributions to or for such committee within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions.

Section 104.3(a) of Title 11 of the Code of Federal Regulations states, in part, that each in-kind contribution shall be valued at the usual and normal charge on the date received and reported if in excess of \$100 on the appropriate schedule of receipts and expenditures, identified as to its nature and listed as an "in-kind contribution."

## *Allocation*

Section 106.1(e) of Title 11 of the Code of Federal Regulations states, in part, that party committees which have established Federal Campaign committees pursuant to Section 102.6 shall allocate administrative expenses on a reasonable basis between their Federal and non-Federal accounts in proportion to the amount of funds expended on Federal and non-Federal elections, or on another reasonable basis.

*registering*  
During the audit, we determined that the Committee occupied space provided by the New York State Democratic Party, (NYSDP) a non-reporting committee. The Committee did not reimburse the NYSDP for rent expenses connected with the occupancy but did reimburse the Committee \$1,500 for telephone use.

Committee officials stated that the costs were paid entirely by the state committee.

### Recommendation

The Audit staff recommends that the Committee develop a basis for allocating the administrative costs according to the method prescribed in Section 106.1(e) or some other reasonable method and submit such basis with supporting documentation to the Audit staff for review within 30 days of receipt of this letter. Further, the Audit staff recommends that the Committee file amended reports disclosing its allocable portion of the administrative expenses computed above as an in-kind contribution from the NYSDP for each calendar year registered.

### E. Disclosure of In-Kind Contributions

Section 434(b)(2) of Title 2 of the United States Code requires the disclosure of the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such Committee within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions.

Section 104.3(a) of Title 11 of the Code of Federal Regulations states, in part, that each in-kind contribution shall be valued at the usual and normal charge on the date received and reported if in excess of \$100 on the appropriate schedules of receipts and expenditures, identified as to its nature and listed as an "in-kind contribution."

Our review of the Committee records revealed three (3) in-kind contributions totaling \$14,298.98 were received but not disclosed on the Committee reports. Two (2) of the contributions totaling \$14,098.98 were for voter registration materials and the other was a debt of \$200.00 forgiven by an unincorporated vendor.

When questioned, the Committee provided no explanation as to why these contributions were not disclosed as required.

Recommendation

The Audit staff recommends that the Committee file an amended report itemizing the in-kind contributions within 30 days of receipt of this letter.

F. Deposit of Receipts Into Campaign Depository

Section 437b(a)(2) of Title 2 of the United States Code requires a committee to deposit all contributions received by it into the committee's checking account maintained at a designated campaign depository. In addition, Section 434(b)(4) of Title 2 of the United States Code requires the disclosure of the name and address of each political committee from which the reporting committee received any transfer of funds, together with the amounts and dates of all transfers.

Our review of the records and reports revealed that the Committee disclosed the receipt of a transfer totaling \$3,250.00 which was not deposited into the Committee's checking account. In addition, the transfer was not disclosed by the transferring committee.

The Committee was unable to provide any additional details concerning the transfer.

Recommendation

It is our recommendation that within 30 days of receipt of this letter the Committee obtain documentation to support the source of the transfer and provide evidence of same to the Audit staff and, if necessary, file an amended report to properly disclose the transferring committee.

G. Disclosure of Debts and Obligations

Section 434(b)(12) of Title 2 of the United States Code requires the disclosure in a continuous manner of debts and obligations owed by the Committee until such debts and obligations are extinguished, together with the circumstances and conditions under which any such debt is extinguished and the consideration therefor.

Five (5) checks, each in excess of \$100, totaling \$1,900 were still outstanding when the Committee closed its checking account on June 3, 1977 (the ending date on its amended termination report). The outstanding checks were not disclosed as debts on the termination report.

Recommendation

The Audit staff recommends that the Committee file an amended report within 30 days of receipt of this letter disclosing the outstanding checks as debts and obligations, and continue to file reports disclosing these debts until extinguished.

H. Disclosure of Cash on Hand

Section 434(b)(1) of Title 2 of the United States Code requires the disclosure of the amount of cash on hand at the beginning of the reporting period.

Our review of the reports filed by the Committee revealed that the opening cash disclosed on the 1976 year-end report was overstated by a net amount of \$1,072.11. As a result the subsequent cash on hand totals were overstated.

The Committee was unable to adequately explain the reason for this discrepancy.

Recommendation

The Audit staff recommends that the Committee file an amended report correcting its cash on hand totals within 30 days of receipt of this letter.

I. Other Matters

Presented below are other matters noted during the audit for which the Audit staff recommends no further action. The Committee was advised of the discrepancies and informed of the respective requirements of the Act.

1. One (1) check, totaling \$1,200.00, was written payable to cash which was not used to replenish the petty cash fund. The cash was disbursed for election day expenses.
2. The 1976 year-end and 1977 first quarter disclosure reports were not timely filed.
3. The Committee began its activity on September 2, 1976, but failed to file a statement of organization until October 18, 1976.



## EXHIBIT A

NEW YORK STATE VOTER REGISTRATION DRIVE  
 SCHEDULE OF TRANSFERS TO INDIVIDUALS AND ORGANIZATION  
 FOR VOTER REGISTRATION AND GOTV

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Amigos De Carter	10-22-76	\$ 1,000.00
" "	10-29-76	1,000.00
Black Democrats of Westchester County :	10-25-76	750.00
Black Political Caucus of Rockland County	10-25-76	500.00
Bronx Coalition To Elect Carter	10-25-76	1,000.00
Bronx Commonwealth Voter Registration Drive	9-24-76	500.00
" " " " "	10-05-76	250.00
Bronx Concerned Clergy For Voter Registration	9-24-76	375.00
" " " " "	10-04-76	375.00
" " " " "	10-29-76	250.00
Brown, Harold Jr. - Ulster County	11-01-76	150.00
Brown, Mildred	10-06-76	250.00
Central Queens Voter Registration Committee	9-21-76	400.00
" " " " "	10-05-76	1,500.00
Chinese American Democratic Org. Committee	10-22-76	500.00
Chinese American Voter Registration	9-10-76	1,000.00
Chinese American Voter's League	9-28-76	200.00

## EXHIBIT A

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Citizens Voter Education Committee	9-10-76	3,000.00
" " " "	9-27-76	3,000.00
Citizens Voter Education Committee	10-05-76	\$ 4,000.00
" " " "	10-12-76	600.00
" " " "	10-28-76	2,000.00
" " " "	3-21-77	3,390.00
Colony South Brooklyn Houses Voter Registration and Information Project	9-10-76	1,500.00
" " " "	10-25-76	500.00
" " " "	9-24-76	1,000.00
" " " "	10-05-76	250.00
Commando Security Systems Voluntary Registration Drive	10-07-76	269.00
Committee For Two Million	9-01-76	4,000.00
" " "	9-07-76	2,158.00
" " "	9-10-76	5,000.00
Cross Bronx Progressive Association, Inc.	10-06-76	500.00
Cunningham, William - Erie County	11-01-76	500.00
Dutchess County	11-01-76	150.00



## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
Erie County Democratic Finance Committee	10-22-76	\$ 2,500.00
Federation of Black Organizations	10-25-76	700.00
Frederick Douglas Democratic Club	10-26-76	350.00
Hansell McGee Jackson Democratic Club	9-21-76	300.00
" " " " "	9-28-76	500.00
" " " " "	10-28-76	100.00
Herman Badillo Political Club	10-29-76	2,000.00
" " " " "	10-30-76	1,300.00
Hispanic Alliance For Voter Education (HAVE)	9-03-76	2,000.00
" " " " "	9-07-76	306.00
" " " " "	9-10-76	2,000.00
" " " " "	9-20-76	2,000.00
" " " " "	9-24-76	2,000.00
" " " " "	9-27-76	500.00
" " " " "	10-05-76	2,000.00
" " " " "	10-06-76	500.00
Hispanic Alliance For Voter Education (HAVE)	10-13-76	300.00
" " " " "	10-22-76	300.00

## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
Jackson Democratic Club	10-28-76	450.00
Lowry, Thomas J. Jr. - Onandaga County	11-01-76	500.00
McDonough, Edward - Rensselaer County	11-01-76	150.00
McIntyre, Joe - Niagara County	11-01-76	250.00
Mid Brooklyn Voter Education League	10-08-76	500.00
" " " " "	10-25-76	300.00
Monroe County-Roger Doud	11-01-76	500.00
" " "	11-01-76	500.00
Monroe County Democratic Committee	9-24-76	1,500.00
" " " "	10-05-76	750.00
Nassau County Democratic Committee	9-24-76	1,000.00
Nassau Economic Opportunity Voter Registration	9-24-76	1,000.00
" " " " "	5-11-77	404.59
New Democratic Club	10-05-76	140.00
New Rochelle NAACP	9-28-76	1,000.00
" " "	10-13-76	1,500.00
" " "	3-24-77	394.62

<u>NAME</u>	<u>EXHIBIT A</u>	<u>DATE</u>	<u>AMOUNT</u>
New York Black Churchmans Coalition for Jimmy Carter		10-26-76	1,000.00
New York State Young Democrats		9-10-76	500.00
" " " "		9-27-76	900.00
New York Student Voter Registration Drive		9-24-76	1,000.00
Nolan, Charles - Albany County		11-01-76	500.00
North East Queens Clergy Fellowship		10-15-76	1,000.00
North End Democratic Club		10-12-76	119.50
North Shore Political Action Committee		9-28-76	500.00
Northern Region Black Political Caucus		9-17-76	1,000.00
" " " " "		10-15-76	6,000.00
" " " " "		10-25-76	1,113.50
" " " " "		10-25-76	1,250.00
Oneida County Democratic Committee		11-01-76	250.00
Orange County Democratic Committee		9-20-76	750.00
Orange County Democratic Committee		9-28-76	750.00
" " " "		10-25-76	600.00

## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
People's Democratic Club	9-28-76	500.00
" " "	10-05-76	500.00
Phillipine American Committee	9-10-76	1,000.00
Reielly, Edwin D. - Schenectady County	11-01-76	150.00
Rockland County Black Political Caucus	5-12-77	250.00
Southeast Queens Voter Registration Committee	9-20-76	500.00
" " " " "	10-11-76	502.00
" " " " "	10-25-76	500.00
Suffolk Democratic Organization & Surrounding Areas	10-25-76	500.00
" " " " "	11-01-76	250.00
Todd 2 Way Radio Local 3036	11-01-76	720.00
Tompkins County Democratic Committee	10-04-76	500.00
United Democratic Club	10-30-76	500.00
University Student Center	10-22-76	\$ 1,664.00
Vanguard Urban Development	9-28-76	500.00
Vanguard Urban Improvement Association	10-08-76	500.00
" " " " "	10-25-76	400.00

## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
Voter Registration of Minorities	10-25-76	1,000.00
Voter Registration of Minorities In Nassau	9-24-76	800.00
" " " " " "	10-15-76	800.00
32nd Regular Democratic Club	10-26-76	<u>500.00</u>
	Total	<u>\$102,081.21</u>



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Larrie Dillard  
Deputy Director  
New York State Voter Registration  
Drive  
800 Third Avenue  
New York, New York 10022

RE: MUR 510 (78)

Dear Mr. Dillard:

This letter is to notify you that on July , 1979, the Federal Election Commission, in the ordinary course of carrying out its supervisory responsibilities, has found reason to believe that the New York State Voter Registration Drive ("NYSVRD") may have violated 2 U.S.C. §432(c) by not maintaining adequate records of its receipts and expenditures; 2 U.S.C. §432(d) by not preserving receipts or other contemporaneous memoranda of expenditures in excess of \$100; 2 U.S.C. §434(b)(1) by misreporting its cash-on-hand totals; 2 U.S.C. §434(b)(4) by not reporting the receipt of all transfers from other political committees; 2 U.S.C. §434(b)(7) by not reporting the receipt of in-kind contributions; 2 U.S.C. §434(b)(9) by not itemizing all expenditures in excess of \$100; 2 U.S.C. §434(b)(11) by misreporting the total sum of expenditures during the 1976 calendar year; 2 U.S.C. §434(b)(12) by not disclosing its debts and obligations as required; 2 U.S.C. §437b(a)(2) by not depositing a \$3,250 contribution into its campaign depository; and 2 U.S.C. §437b(b) by making a \$1200 cash disbursement. A copy of the audit report is attached.

Also, on the basis that the NYSVRD apparently shared its offices with the New York State Democratic Party, the Commission determined that the NYSVRD should develop an allocation plan, pursuant to 11 CFR §106.1(e)



and reimburse the New York State Democratic Party a reasonable amount for the administrative expenses which it provided to the NYSVRD.

These findings are in addition to the March 2, 1978 determination that there was probable cause to believe that the NYSVRD may have violated 2 U.S.C. §434 by not filing its January 31, 1977 year-end report.

Under the Federal Election Campaign Act of 1971, as amended, the Commission must consider such matters expeditiously. Accordingly, please submit within ten (10) days of receipt of this letter any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, please submit the expenditure and receipt information required. If unable to do so, please detail the efforts the committee has made to obtain that information.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you authorize the Commission in writing to make the investigation public. If you have any questions regarding this matter, please contact David Federman, 202/523-4073, the attorney assigned to this matter.

Sincerely,

William C. Oldaker  
General Counsel

Enclosure

81010047054



## FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

April 19, 1979

MEMORANDUM

TO: BILL OLDAKER

THROUGH: ORLANDO B. POTTER *OB.P.*  
STAFF DIRECTOR

FROM: *RC* BOB COSTA/RAY LISI *RC for RL*

SUBJECT: NEW YORK STATE VOTER REGISTRATION  
DRIVE (THE COMMITTEE)

On July 12, 1978, the Commission directed the Audit Division to conduct an audit of the New York State Voter Registration Drive. On March 6, 1979, the Audit Division forwarded to the Committee a letter of audit findings and recommendations (see Attachment 1), requesting the Committee to comply with the stated recommendations within 30 days of receipt of our letter. The Committee's response period expired on April 9, 1979.

On March 23, 1979, an Audit staff member received a telephone call from Mr. Larry Dillard, who stated that he was representing the Treasurer of the Committee. Mr. Dillard stated that he felt that the Committee had used its best efforts to comply with the statute, and that any additional efforts would be futile. Mr. Dillard agreed to state the Committee's reasons for not complying with any of the audit recommendations in a letter to the Audit Division.

On Friday, April 13, 1979, the Committee Treasurer, Mr. Bernard C. Charles was contacted concerning the letter of response. Mr. Charles stated that the letter, due to extenuating circumstances (work related travel), had not been sent, but was being prepared and would be received within the near future. However, the letter was actually received at the Commission on April 13, 1979 (see Attachment 2).

Since the Committee has failed to comply with the audit recommendations, this matter is being referred to your office for consideration.

Attachments as stated





## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

March 6, 1979

Mr. Bernard C. Charles, Treasurer  
New York State Voter Registration Drive  
109 Old Nyack Turnpike  
Spring Valley, New York 10977

Dear Mr. Charles:

The attached is to formally advise you of the findings and recommendations of the Audit staff resulting from the audit of the New York State Voter Registration Drive, ("the Committee"). These matters were discussed with Larrie Dillard in an exit conference in New York, on September 1, 1978.

You are requested to comply with the stated recommendations within 30 days of receipt of this letter. After expiration of the 30 day period and receipt of your response, the Audit staff will present a final audit report to the Commission for approval and subsequent public release. Efforts to comply with the recommendations will be noted in the report.

Should you not respond adequately to these recommendations within the time specified above, in accordance with Commission policy, the matter will be referred to the Commission's Office of General Counsel with a recommendation that an order or subpoena be prepared requiring compliance with the staff recommendations.

If you have any questions regarding these matters, please do not hesitate to contact Mr. Raymond Lisi or Mr. Glen J. Buco at (202) 523-4155 or toll free at (800) 424-9530.

Sincerely,

Robert J. Costa  
Assistant Staff Director  
for the Audit Division

Attachment as stated

CERTIFIED MAIL:  
RETURN RECEIPT REQUESTED:



## Audit Findings and Recommendations

### A. Preservation of Receipts

Section 432(d) of Title 2 of the United States Code states, in part, that it shall be the duty of the treasurer to keep a receipted bill, stating the particulars, for every expenditure made by a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100.

In addition, Section 102.9(c)(4) of Title 11 of the Code of Federal Regulations states that when a receipted bill is not available, the treasurer may keep the cancelled check showing payment(s) of the bill, and the bill, invoice, or other contemporaneous memorandum of the transaction.

Our review of the Committee's expenditure records disclosed the following:

(1) Ninety-six (96) expenditures, each in an aggregate amount or value in excess of \$100, totaling \$24,225.70 were not supported by receipted bills, invoices, or other contemporaneous memoranda. These unsupported expenditures represent approximately 80.6% of the total number and 64.5% of the total dollar value of the operating expenditures requiring supporting documentation. Cancelled checks were retained for 91 of the expenditures.

(2) One hundred six (106) expenditures, each in excess of \$100, totaling \$102,081.21 were made to 61 individuals and organizations to enable them to conduct Voter Registration and Get-Out-The-Vote activities in various sections of the state (See Exhibit A). The Committee did not obtain and keep receipted bills, invoices, or other contemporaneous memoranda supporting the expenditures. These unsupported expenditures represent approximately 84.8% of the total number and 84.8% of the total dollar amount of expenditures made for Voter Registration and Get-Out-The-Vote activities.

According to Committee officials, the Committee was authorized and funded by the Democratic National Committee to conduct Voter Registration and Get-Out-The-Vote activities for the benefit of the Carter-Mondale campaign.

Recommendation

The Audit staff recommends that the Committee obtain the documentation supporting the expenditures noted in (1) above and submit copies to the Audit staff for review or present evidence of its efforts to do so within 30 days of receipt of this letter. Additionally, it is our recommendation that the Committee obtain the supporting documentation, from the individuals and organizations, for the particulars of the expenditures noted in (2) above and submit copies to the Audit staff for review or present evidence of its efforts to do so within the 30 day period. Recommendations concerning further Committee action (amendments to disclosure reports, etc.) with respect to the activities noted in (2) above will be dependent upon our review of the documentation obtained by the Committee.

B. Disclosure of Expenditures

Section 434(b)(9) of Title 2 of the United States Code requires the disclosure within each report of the identification of each person to whom expenditures have been made by or on behalf of the committee within a calendar year in an aggregate amount or value in excess of \$100 together with the amount, date, and purpose of each such expenditure. In addition, Section 434(b)(11) of Title 2 of the United States Code requires the disclosure of the total sum of expenditures made by such committee during the calendar year.

Our review of expenditure records revealed that the Committee did not report 56 expenditures which totaled \$31,259.07. These expenditures represent approximately 4.3% of the total number and 18.4% of the total dollar amount of expenditures required to be reported.

Forty-six (46) of these expenditures were in excess of or aggregated in excess of \$100.00 and were required to be itemized. The Committee provided no explanation concerning the non-reporting of the expenditures.

Recommendation

The Audit staff recommends that the Committee file an amended report itemizing the 46 expenditures, and disclosing as unitemized the remaining expenditures, within 30 days of receipt of this letter.



C. Disclosure of Transfers and Total Receipts

Section 434(b)(4) and (8) of Title 2 of the United States Code states, in part, that each report shall disclose the name and address of each political committee from which the reporting committee received any transfer of funds, together with the amounts and dates of all transfers. In addition, the report shall disclose the total sum of all receipts during the reporting period.

It was determined that the Committee did not report the receipt of three (3) transfers totaling \$37,500.00. As a result the total receipts for the period were understated. In addition, the Committee did not itemize the receipt of four (4) transfers totaling \$75,000, but reported the four (4) transfers as unitemized receipts.

No explanation concerning the Committee failure to report the \$37,500 or itemize the \$75,000 in transfers was provided by the Committee.

Recommendation

It is the recommendation of the Audit staff that the Committee file an amended report within 30 days of receipt of this letter itemizing the transfers and disclosing the correct total of receipts for the period.

D. Allocation of Administrative Expenses

Section 434(b)(2) of Title 2 of the United States Code states, in part, that each report shall disclose the full name and mailing address of each person who has made one or more contributions to or for such committee within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions.

Section 104.3(a) of Title 11 of the Code of Federal Regulations states, in part, that each in-kind contribution shall be valued at the usual and normal charge on the date received and reported if in excess of \$100 on the appropriate schedule of receipts and expenditures, identified as to its nature and listed as an "in-kind contribution."



Section 106.1(e) of Title 11 of the Code of Federal Regulations states, in part, that party committees which have established Federal Campaign committees pursuant to Section 102.6 shall allocate administrative expenses on a reasonable basis between their Federal and non-Federal accounts in proportion to the amount of funds expended on Federal and non-Federal elections, or on another reasonable basis.

During the audit, we determined that the Committee occupied space provided by the New York State Democratic Party, (NYSDP) a non-reporting committee. The Committee did not reimburse the NYSDP for rent expenses connected with the occupancy but did reimburse the Committee \$1,500 for telephone use.

Committee officials stated that the costs were paid entirely by the state committee.

#### Recommendation

The Audit staff recommends that the Committee develop a basis for allocating the administrative costs according to the method prescribed in Section 106.1(e) or some other reasonable method and submit such basis with supporting documentation to the Audit staff for review within 30 days of receipt of this letter. Further, the Audit staff recommends that the Committee file amended reports disclosing its allocable portion of the administrative expenses computed above as an in-kind contribution from the NYSDP for each calendar year registered.

#### E. Disclosure of In-Kind Contributions

Section 434(b)(2) of Title 2 of the United States Code requires the disclosure of the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such Committee within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions.

Section 104.3(a) of Title 11 of the Code of Federal Regulations states, in part, that each in-kind contribution shall be valued at the usual and normal charge on the date received and reported if in excess of \$100 on the appropriate schedules of receipts and expenditures, identified as to its nature and listed as an "in-kind contribution."

Our review of the Committee records revealed three (3) in-kind contributions totaling \$14,298.98 were received but not disclosed on the Committee reports. Two (2) of the contributions totaling \$14,098.98 were for voter registration materials and the other was a debt of \$200.00 forgiven by an unincorporated vendor.

When questioned, the Committee provided no explanation as to why these contributions were not disclosed as required.

Recommendation

The Audit staff recommends that the Committee file an amended report itemizing the in-kind contributions within 30 days of receipt of this letter.

F. Deposit of Receipts Into Campaign Depository

Section 437b(a)(2) of Title 2 of the United States Code requires a committee to deposit all contributions received by it into the committee's checking account maintained at a designated campaign depository. In addition, Section 434(b)(4) of Title 2 of the United States Code requires the disclosure of the name and address of each political committee from which the reporting committee received any transfer of funds, together with the amounts and dates of all transfers.

Our review of the records and reports revealed that the Committee disclosed the receipt of a transfer totaling \$3,250.00 which was not deposited into the Committee's checking account. In addition, the transfer was not disclosed by the transferring committee.

The Committee was unable to provide any additional details concerning the transfer.

Recommendation

It is our recommendation that within 30 days of receipt of this letter the Committee obtain documentation to support the source of the transfer and provide evidence of same to the Audit staff and, if necessary, file an amended report to properly disclose the transferring committee.

G. Disclosure of Debts and Obligations

Section 434(b)(12) of Title 2 of the United States Code requires the disclosure in a continuous manner of debts and obligations owed by the Committee until such debts and obligations are extinguished, together with the circumstances and conditions under which any such debt is extinguished and the consideration therefor.

Five (5) checks, each in excess of \$100, totaling \$1,933, were still outstanding when the Committee closed its checking account on June 3, 1977 (the ending date on its amended termination report). The outstanding checks were not disclosed as debts on the termination report.

Recommendation

The Audit staff recommends that the Committee file an amended report within 30 days of receipt of this letter disclosing the outstanding checks as debts and obligations, and continue to file reports disclosing these debts until extinguished.

H. Disclosure of Cash on Hand

Section 434(b)(1) of Title 2 of the United States Code requires the disclosure of the amount of cash on hand at the beginning of the reporting period.

Our review of the reports filed by the Committee revealed that the opening cash disclosed on the 1976 year-end report was overstated by a net amount of \$1,072.11. As a result, the subsequent cash on hand totals were overstated.

The Committee was unable to adequately explain the reason for this discrepancy.

Recommendation

The Audit staff recommends that the Committee file an amended report correcting its cash on hand totals within 30 days of receipt of this letter.

I. Other Matters

Presented below are other matters noted during the audit for which the Audit staff recommends no further action. The Committee was advised of the discrepancies and informed of the respective requirements of the Act.

1. One (1) check, totaling \$1,200.00, was written payable to cash which was not used to replenish the petty cash fund. The cash was disbursed for election day expenses.

2. The 1976 year-end and 1977 first quarter disclosure reports were not timely filed.

3. The Committee began its activity on September 2, 1976, but failed to file a statement of organization until October 18, 1976.

31030241963

## EXHIBIT A

NEW YORK STATE VOTER REGISTRATION DRIVE  
 SCHEDULE OF TRANSFERS TO INDIVIDUALS AND ORGANIZATION  
 FOR VOTER REGISTRATION AND GOTV

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Amigos De Carter	10-22-76	\$ 1,000.00
" "	10-29-76	1,000.00
Black Democrats of Westchester County	10-25-76	750.00
Black Political Caucus of Rockland County	10-25-76	500.00
Bronx Coalition To Elect Carter	10-25-76	1,000.00
Bronx Commonwealth Voter Registration Drive	9-24-76	500.00
" " " " "	10-05-76	250.00
Bronx Concerned Clergy For Voter Registration	9-24-76	375.00
" " " " "	10-04-76	375.00
" " " " "	10-29-76	250.00
Brown, Harold Jr. - Ulster County	11-01-76	150.00
Brown, Mildred	10-06-76	250.00
Central Queens Voter Registration Committee	9-21-76	400.00
" " " " "	10-05-76	1,500.00
Chinese American Democratic Org. Committee	10-22-76	500.00
Chinese American Voter Registration	9-10-76	1,000.00
Chinese American Voter's League	9-28-76	200.00

## EXHIBIT A

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Citizens Voter Education Committee	9-10-76	3,000.00
" " " "	9-27-76	3,000.00
Citizens Voter Education Committee	10-05-76	\$ 4,000.00
" " " "	10-12-76	600.00
" " " "	10-28-76	2,000.00
" " " "	3-21-77	3,390.00
Colony South Brooklyn Houses Voter Registration and Information Project	9-10-76	1,500.00
" " " "	10-25-76	500.00
" " " "	9-24-76	1,000.00
" " " "	10-05-76	250.00
Commando Security Systems Voluntary Registration Drive	10-07-76	269.00
Committee For Two Million	9-01-76	4,000.00
" " "	9-07-76	2,158.00
" " "	9-10-76	5,000.00
Cross Bronx Progressive Association, Inc.	10-06-76	500.00
Cunningham, William - Erie County	11-01-76	500.00
Dutchess County	11-01-76	150.00



## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
Erie County Democratic Finance Committee	10-22-76	\$ 2,500.00
Federation of Black Organizations	10-25-76	700.00
Frederick Douglas Democratic Club	10-26-76	350.00
Hansell McGee Jackson Democratic Club	9-21-76	300.00
" " " " "	9-28-76	500.00
" " " " "	10-28-76	100.00
Herman Badillo Political Club	10-29-76	2,000.00
" " " " "	10-30-76	1,300.00
Hispanic Alliance For Voter Education (HAVE)	9-03-76	2,000.00
" " " " "	9-07-76	306.00
" " " " "	9-10-76	2,000.00
" " " " "	9-20-76	2,000.00
" " " " "	9-24-76	2,000.00
" " " " "	9-27-76	500.00
" " " " "	10-05-76	2,000.00
" " " " "	10-06-76	500.00
Hispanic Alliance For Voter Education (HAVE)	10-13-76	300.00
" " " " "	10-22-76	300.00

## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
Jackson Democratic Club	10-28-76	450.00
Lowry, Thomas J. Jr. - Onandaga County	11-01-76	500.00
McDonough, Edward - Rensselaer County	11-01-76	150.00
McIntyre, Joe - Niagara County	11-01-76	250.00
Mid Brooklyn Voter Education League	10-08-76	500.00
" " " " "	10-25-76	300.00
Monroe County-Roger Doud	11-01-76	500.00
" " "	11-01-76	500.00
Monroe County Democratic Committee	9-24-76	1,500.00
" " " "	10-05-76	750.00
Nassau County Democratic Committee	9-24-76	1,000.00
Nassau Economic Opportunity Voter Registration	9-24-76	1,000.00
" " " " "	5-11-77	404.59
New Democratic Club	10-05-76	140.00
New Rochelle NAACP	9-28-76	1,000.00
" " "	10-13-76	1,500.00
" " "	3-24-77	394.62

<u>NAME</u>	<u>EXHIBIT A</u>	<u>DATE</u>	<u>AMOUNT</u>
New York Black Churchmans Coalition for Jimmy Carter		10-26-76	1,000.00
New York State Young Democrats		9-10-76	500.00
" " " "		9-27-76	900.00
New York Student Voter Registration Drive		9-24-76	1,000.00
Nolan, Charles - Albany County		11-01-76	500.00
North East Queens Clergy Fellowship		10-15-76	1,000.00
North End Democratic Club		10-12-76	119.50
North Shore Political Action Committee		9-28-76	500.00
Northern Region Black Political Caucus		9-17-76	1,000.00
" " " " "		10-15-76	6,000.00
" " " " "		10-25-76	1,113.50
" " " " "		10-25-76	1,250.00
Oneida County Democratic Committee		11-01-76	250.00
Orange County Democratic Committee		9-20-76	750.00
Orange County Democratic Committee		9-28-76	750.00
" " " "		10-25-76	600.00

## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
People's Democratic Club	9-28-76	500.00
" " "	10-05-76	500.00
Phillipine American Committee	9-10-76	1,000.00
Reielly, Edwin D. - Schenectady County	11-01-76	150.00
Rockland County Black Political Caucus	5-12-77	250.00
Southeast Queens Voter Registration Committee	9-20-76	500.00
" " " " "	10-11-76	502.00
" " " " "	10-25-76	500.00
Suffolk Democratic Organization & Surrounding Areas	10-25-76	500.00
" " " " "	11-01-76	250.00
Todd 2 Way Radio Local 3036	11-01-76	720.00
Tompkins County Democratic Committee	10-04-76	500.00
United Democratic Club	10-30-76	500.00
University Student Center	10-22-76	\$ 1,664.00
Vanguard Urban Development	9-28-76	500.00
Vanguard Urban Improvement Association	10-08-76	500.00
" " " "	10-25-76	400.00

## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
Voter Registration of Minorities	10-25-76	1,000.00
Voter Registration of Minorities In Nassau	9-24-76	800.00
" " " " " "	10-15-76	800.00
32nd Regular Democratic Club	10-26-76	<u>500.00</u>
	Total	<u>\$102,081.21</u>

NEW YORK  
VOTER REGISTRATION  
DRIVE



April 4, 1979

901934

BERNARD L. CHARLES  
Director

M. DIANE ELLIOTT  
Regional Coordinator

✓ LARRIE C. DILLARD  
Deputy Director

MITCHELL PERLOW  
Volunteer Student Coordinator

Mr. Robert J. Costa  
Assistant Staff Director  
for the Audit Division  
Federal Election Commission

Dear Mr. Costa,

As the person chiefly responsible for the preparation, submission and monitoring of required election data for the New York Voter Registration Drive, I am forwarding the gist of a recent conversation between myself and Mr. Raymond Lisi.

Our committee had been formally advised of the findings and recommendations of the Audit staff resulting from the audit of the New York Voter Registration Drive on September 1, 1979. I explained to Mr. Lisi that our best efforts, over what is at present some three years, to fully comply with the requirements of the statute had fallen short inasmuch as the aforementioned findings and recommendations focus on specific shortcomings or procedural inaccuracies vis a vis reporting election '79 that we have addressed with all the resources at our disposal.

I am requesting your direct involvement at this point because circumstances indicate that the next phase of this matter is clearly avoidable litigation. Over the years that this matter has remained open the staff at the Commission, including Dan Fedderman, Pamela Brown, Glen Buca, Tom Furthen, Charles Hanshaw, Orlando B. Potter, Ellen Hughes, Thomas E. Harris, William C. Oldaker and Raymond Lisi have been most helpful and genuinely committed to the resolution of this matter. We as a committee have been no less committed insofar as a timely disposition of this matter is to the benefit of all concerned.

Thanking you in advance for your time and energy,

Yours truly,

*L. Clay Dillard*  
Larrie Clay Dillard





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

March 6, 1979

Mr. Bernard C. Charles, Treasurer  
New York State Voter Registration Drive  
109 Old Nyack Turnpike  
Spring Valley, New York 10977

Dear Mr. Charles:

The attached is to formally advise you of the findings and recommendations of the Audit staff resulting from the audit of the New York State Voter Registration Drive, ("the Committee"). These matters were discussed with Larrie Dillard in an exit conference in New York, on September 1, 1978.

You are requested to comply with the stated recommendations within 30 days of receipt of this letter. After expiration of the 30 day period and receipt of your response, the Audit staff will present a final audit report to the Commission for approval and subsequent public release. Efforts to comply with the recommendations will be noted in the report.

Should you not respond adequately to these recommendations within the time specified above, in accordance with Commission policy, the matter will be referred to the Commission's Office of General Counsel with a recommendation that an order or subpoena be prepared (requiring compliance) with the staff recommendations.

If you have any questions regarding these matters, please do not hesitate to contact (Mr. Raymond Lisi) or Mr. Glen J. Buco at (202) 523-4155 or toll free at (800) 424-9530.

Sincerely,

Robert J. Costa  
Assistant Staff Director  
for the Audit Division

Attachment as stated

CERTIFIED MAIL:  
RETURN RECEIPT REQUESTED:





## FEDERAL ELECTION COMMISSION

1125 K STREET NW  
WASHINGTON, D.C. 20463

March 27, 1979

MEMORANDUM

TO : BILL OLDAKER

THROUGH : ORLANDO B. POTTER *OBP.*  
STAFF DIRECTOR

FROM : *RJC* BOB COSTA/RAY LISI *RJL*

SUBJECT : NEW YORK STATE VOTER REGISTRATION DRIVE  
("the Committee") AUDIT REPORT

This is to advise your office of the status of the New York State Voter Registration Drive audit report as requested in your memorandum dated March 22, 1979.

On March 6, 1979 the Audit Division forwarded to the Committee a letter of audit findings and recommendations (See Attachment 1). On March 23, 1979 a telephone call was received from Mr. Larry Dillard who stated that he was representing the Treasurer of the Committee. Mr. Dillard stated that he felt that the Committee had used its best efforts to comply with the statute and that any additional efforts would be futile. Mr. Dillard agreed to state the Committee's reasons for not complying with any of the audit recommendations in a letter to the Audit Division. Upon receipt of this letter and expiration of the Committee's response period (April 9, 1979) we will refer this matter to your office for appropriate action.

If you have any questions concerning this matter, please call Ray Lisi or Glen Buco at extension 3-4155.

Attachment as stated



Attachment #1 *Admission, file*



FEDERAL ELECTION COMMISSION

1325 K STREET NW  
WASHINGTON, D.C. 20463

March 6, 1979

Mr. Bernard C. Charles, Treasurer  
New York State Voter Registration Drive  
109 Old Nyack Turnpike  
Spring Valley, New York 10977

Dear Mr. Charles:

The attached is to formally advise you of the findings and recommendations of the Audit staff resulting from the audit of the New York State Voter Registration Drive, ("the Committee"). These matters were discussed with Larrie Dillard in an exit conference in New York, on September 1, 1978.

You are requested to comply with the stated recommendations within 30 days of receipt of this letter. After expiration of the 30 day period and receipt of your response, the Audit staff will present a final audit report to the Commission for approval and subsequent public release. Efforts to comply with the recommendations will be noted in the report.

Should you not respond adequately to these recommendations within the time specified above, in accordance with Commission policy, the matter will be referred to the Commission's Office of General Counsel with a recommendation that an order or subpoena be prepared requiring compliance with the staff recommendations.

If you have any questions regarding these matters, please do not hesitate to contact Mr. Raymond Lisi or Mr. Glen J. Buco at (202) 523-4155 or toll free at (800) 424-9530.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert J. Costa".

Robert J. Costa  
Assistant Staff Director  
for the Audit Division

Attachment as stated

CERTIFIED MAIL:  
RETURN RECEIPT REQUESTED:



## Audit Findings and Recommendations

### A. Preservation of Receipts

Section 432(d) of Title 2 of the United States Code states, in part, that it shall be the duty of the treasurer to keep a receipted bill, stating the particulars, for every expenditure made by a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100.

In addition, Section 102.9(c)(4) of Title 11 of the Code of Federal Regulations states that when a receipted bill is not available, the treasurer may keep the cancelled check showing payment(s) of the bill, and the bill, invoice, or other contemporaneous memorandum of the transaction.

Our review of the Committee's expenditure records disclosed the following:

(1) Ninety-six (96) expenditures, each in an aggregate amount or value in excess of \$100, totaling \$24,225.70 were not supported by receipted bills, invoices, or other contemporaneous memoranda. These unsupported expenditures represent approximately 80.6% of the total number and 64.5% of the total dollar value of the operating expenditures requiring supporting documentation. Cancelled checks were retained for 91 of the expenditures.

(2) One hundred six (106) expenditures, each in excess of \$100, totaling \$102,081.21 were made to 61 individuals and organizations to enable them to conduct Voter Registration and Get-Out-The-Vote activities in various sections of the state (See Exhibit A). The Committee did not obtain and keep receipted bills, invoices, or other contemporaneous memoranda supporting the expenditures. These unsupported expenditures represent approximately 84.8% of the total number and 84.8% of the total dollar amount of expenditures made for Voter Registration and Get-Out-The-Vote activities.

According to Committee officials, the Committee was authorized and funded by the Democratic National Committee to conduct Voter Registration and Get-Out-The-Vote activities for the benefit of the Carter-Mondale campaign.

Recommendation

The Audit staff recommends that the Committee obtain the documentation supporting the expenditures noted in (1) above and submit copies to the Audit staff for review or present evidence of its efforts to do so within 30 days of receipt of this letter. Additionally, it is our recommendation that the Committee obtain the supporting documentation, from the individuals and organizations, for the particulars of the expenditures noted in (2) above and submit copies to the Audit staff for review or present evidence of its efforts to do so within the 30 day period. Recommendations concerning further Committee action (amendments to disclosure reports, etc.) with respect to the activities noted in (2) above will be dependent upon our review of the documentation obtained by the Committee.

B. Disclosure of Expenditures

Section 434(b)(9) of Title 2 of the United States Code requires the disclosure within each report of the identification of each person to whom expenditures have been made by or on behalf of the committee within a calendar year in an aggregate amount or value in excess of \$100 together with the amount, date, and purpose of each such expenditure. In addition, Section 434(b)(11) of Title 2 of the United States Code requires the disclosure of the total sum of expenditures made by such committee during the calendar year.

Our review of expenditure records revealed that the Committee did not report 56 expenditures which totaled \$31,259.07. These expenditures represent approximately 4.3% of the total number and 18.4% of the total dollar amount of expenditures required to be reported.

Forty-six (46) of these expenditures were in excess of or aggregated in excess of \$100.00 and were required to be itemized. The Committee provided no explanation concerning the non-reporting of the expenditures.

Recommendation

The Audit staff recommends that the Committee file an amended report itemizing the 46 expenditures, and disclosing as unitemized the remaining expenditures, within 30 days of receipt of this letter.



C. Disclosure of Transfers and Total Receipts

Section 434(b)(4) and (8) of Title 2 of the United States Code states, in part, that each report shall disclose the name and address of each political committee from which the reporting committee received any transfer of funds, together with the amounts and dates of all transfers. In addition, the report shall disclose the total sum of all receipts during the reporting period.

It was determined that the Committee did not report the receipt of three (3) transfers totaling \$37,500.00. As a result the total receipts for the period were understated. In addition, the Committee did not itemize the receipt of four (4) transfers totaling \$75,000, but reported the four (4) transfers as unitemized receipts.

No explanation concerning the Committee failure to report the \$37,500 or itemize the \$75,000 in transfers was provided by the Committee.

Recommendation

It is the recommendation of the Audit staff that the Committee file an amended report within 30 days of receipt of this letter itemizing the transfers and disclosing the correct total of receipts for the period.

D. Allocation of Administrative Expenses

Section 434(b)(2) of Title 2 of the United States Code states, in part, that each report shall disclose the full name and mailing address of each person who has made one or more contributions to or for such committee within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions.

Section 104.3(a) of Title 11 of the Code of Federal Regulations states, in part, that each in-kind contribution shall be valued at the usual and normal charge on the date received and reported if in excess of \$100 on the appropriate schedule of receipts and expenditures, identified as to its nature and listed as an "in-kind contribution."



Section 106.1(e) of Title 11 of the Code of Federal Regulations states, in part, that party committees which have established Federal Campaign committees pursuant to Section 102.6 shall allocate administrative expenses on a reasonable basis between their Federal and non-Federal accounts in proportion to the amount of funds expended on Federal and non-Federal elections, or on another reasonable basis.

During the audit, we determined that the Committee occupied space provided by the New York State Democratic Party, (NYSDP) a non-reporting committee. The Committee did not reimburse the NYSDP for rent expenses connected with the occupancy but did reimburse the Committee \$1,500 for telephone use.

Committee officials stated that the costs were paid entirely by the state committee.

#### Recommendation

The Audit staff recommends that the Committee develop a basis for allocating the administrative costs according to the method prescribed in Section 106.1(e) or some other reasonable method and submit such basis with supporting documentation to the Audit staff for review within 30 days of receipt of this letter. Further, the Audit staff recommends that the Committee file amended reports disclosing its allocable portion of the administrative expenses computed above as an in-kind contribution from the NYSDP for each calendar year registered.

#### E. Disclosure of In-Kind Contributions

Section 434(b)(2) of Title 2 of the United States Code requires the disclosure of the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such Committee within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions.

Section 104.3(a) of Title 11 of the Code of Federal Regulations states, in part, that each in-kind contribution shall be valued at the usual and normal charge on the date received and reported if in excess of \$100 on the appropriate schedules of receipts and expenditures, identified as to its nature and listed as an "in-kind contribution."

Our review of the Committee records revealed three (3) in-kind contributions totaling \$14,298.98 were received but not disclosed on the Committee reports. Two (2) of the contributions totaling \$14,098.98 were for voter registration materials and the other was a debt of \$200.00 forgiven by an unincorporated vendor.

When questioned, the Committee provided no explanation as to why these contributions were not disclosed as required.

Recommendation

The Audit staff recommends that the Committee file an amended report itemizing the in-kind contributions within 30 days of receipt of this letter.

F. Deposit of Receipts Into Campaign Depository

Section 437b(a)(2) of Title 2 of the United States Code requires a committee to deposit all contributions received by it into the committee's checking account maintained at a designated campaign depository. In addition, Section 434(b)(4) of Title 2 of the United States Code requires the disclosure of the name and address of each political committee from which the reporting committee received any transfer of funds, together with the amounts and dates of all transfers.

Our review of the records and reports revealed that the Committee disclosed the receipt of a transfer totaling \$3,250.00 which was not deposited into the Committee's checking account. In addition, the transfer was not disclosed by the transferring committee.

The Committee was unable to provide any additional details concerning the transfer.

Recommendation

It is our recommendation that within 30 days of receipt of this letter the Committee obtain documentation to support the source of the transfer and provide evidence of same to the Audit staff and, if necessary, file an amended report to properly disclose the transferring committee.

G. Disclosure of Debts and Obligations

Section 434(b)(12) of Title 2 of the United States Code requires the disclosure in a continuous manner of debts and obligations owed by the Committee until such debts and obligations are extinguished, together with the circumstances and conditions under which any such debt is extinguished and the consideration therefor.

Five (5) checks, each in excess of \$100, totaling \$1,933, were still outstanding when the Committee closed its checking account on June 3, 1977 (the ending date on its amended termination report). The outstanding checks were not disclosed as debts on the termination report.

Recommendation

The Audit staff recommends that the Committee file an amended report within 30 days of receipt of this letter disclosing the outstanding checks as debts and obligations, and continue to file reports disclosing these debts until extinguished.

H. Disclosure of Cash on Hand

Section 434(b)(1) of Title 2 of the United States Code requires the disclosure of the amount of cash on hand at the beginning of the reporting period.

Our review of the reports filed by the Committee revealed that the opening cash disclosed on the 1976 year-end report was overstated by a net amount of \$1,072.11. As a result, the subsequent cash on hand totals were overstated.

The Committee was unable to adequately explain the reason for this discrepancy.

Recommendation

The Audit staff recommends that the Committee file an amended report correcting its cash on hand totals within 30 days of receipt of this letter.

I. Other Matters

Presented below are other matters noted during the audit for which the Audit staff recommends no further action. The Committee was advised of the discrepancies and informed of the respective requirements of the Act.

1. One (1) check, totaling \$1,200.00, was written payable to cash which was not used to replenish the petty cash fund. The cash was disbursed for election day expenses.

2. The 1976 year-end and 1977 first quarter disclosure reports were not timely filed.

3. The Committee began its activity on September 2, 1976, but failed to file a statement of organization until October 18, 1976.

## EXHIBIT A

NEW YORK STATE VOTER REGISTRATION DRIVE  
 SCHEDULE OF TRANSFERS TO INDIVIDUALS AND ORGANIZATION  
 FOR VOTER REGISTRATION AND GOTV

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Amigos De Carter	10-22-76	\$ 1,000.00
" "	10-29-76	1,000.00
Black Democrats of Westchester County	10-25-76	750.00
Black Political Caucus of Rockland County	10-25-76	500.00
Bronx Coalition To Elect Carter	10-25-76	1,000.00
Bronx Commonwealth Voter Registration Drive	9-24-76	500.00
" " " " "	10-05-76	250.00
Bronx Concerned Clergy For Voter Registration	9-24-76	375.00
" " " " "	10-04-76	375.00
" " " " "	10-29-76	250.00
Brown, Harold Jr. - Ulster County	11-01-76	150.00
Brown, Mildred	10-06-76	250.00
Central Queens Voter Registration Committee	9-21-76	400.00
" " " " "	10-05-76	1,500.00
Chinese American Democratic Org. Committee	10-22-76	500.00
Chinese American Voter Registration	9-10-76	1,000.00
Chinese American Voter's League	9-28-76	200.00

## EXHIBIT A

<u>Name</u>	<u>Date</u>	<u>Amount</u>
Citizens Voter Education Committee	9-10-76	3,000.00
" " " "	9-27-76	3,000.00
Citizens Voter Education Committee	10-05-76	\$ 4,000.00
" " " "	10-12-76	600.00
" " " "	10-28-76	2,000.00
" " " "	3-21-77	3,390.00
Colony South Brooklyn Houses Voter Registration and Information Project	9-10-76	1,500.00
" " " "	10-25-76	500.00
" " " "	9-24-76	1,000.00
" " " "	10-05-76	250.00
Commando Security Systems Voluntary Registration Drive	10-07-76	269.00
Committee For Two Million	9-01-76	4,000.00
" " "	9-07-76	2,158.00
" " "	9-10-76	5,000.00
Cross Bronx Progressive Association, Inc.	10-06-76	500.00
Cunningham, William - Erie County	11-01-76	500.00
Dutchess County	11-01-76	150.00



## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
Erie County Democratic Finance Committee	10-22-76	\$ 2,500.00
Federation of Black Organizations	10-25-76	700.00
Frederick Douglas Democratic Club	10-26-76	350.00
Hansell McGee Jackson Democratic Club	9-21-76	300.00
" " " " "	9-28-76	500.00
" " " " "	10-28-76	100.00
Herman Badillo Political Club	10-29-76	2,000.00
" " " " "	10-30-76	1,300.00
Hispanic Alliance For Voter Education (HAVE)	9-03-76	2,000.00
" " " " "	9-07-76	306.00
" " " " "	9-10-76	2,000.00
" " " " "	9-20-76	2,000.00
" " " " "	9-24-76	2,000.00
" " " " "	9-27-76	500.00
" " " " "	10-05-76	2,000.00
" " " " "	10-06-76	500.00
Hispanic Alliance For Voter Education (HAVE)	10-13-76	300.00
" " " " "	10-22-76	300.00

## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
Jackson Democratic Club	10-28-76	450.00
Lowry, Thomas J. Jr. - Onandaga County	11-01-76	500.00
McDonough, Edward - Rensselaer County	11-01-76	150.00
McIntyre, Joe - Niagara County	11-01-76	250.00
Mid Brooklyn Voter Education League	10-08-76	500.00
" " " " "	10-25-76	300.00
Monroe County-Roger Doud	11-01-76	500.00
" " "	11-01-76	500.00
Monroe County Democratic Committee	9-24-76	1,500.00
" " " "	10-05-76	750.00
Nassau County Democratic Committee	9-24-76	1,000.00
Nassau Economic Opportunity Voter Registration	9-24-76	1,000.00
" " " " "	5-11-77	404.59
New Democratic Club	10-05-76	140.00
New Rochelle NAACP	9-28-76	1,000.00
" " "	10-13-76	1,500.00
" " "	3-24-77	394.62

<u>NAME</u>	<u>EXHIBIT A</u>	<u>DATE</u>	<u>AMOUNT</u>
New York Black Churchmans Coalition for Jimmy Carter		10-26-76	1,000.00
New York State Young Democrats		9-10-76	500.00
" " " "		9-27-76	900.00
New York Student Voter Registration Drive		9-24-76	1,000.00
Nolan, Charles - Albany County		11-01-76	500.00
North East Queens Clergy Fellowship		10-15-76	1,000.00
North End Democratic Club		10-12-76	119.50
North Shore Political Action Committee		9-28-76	500.00
Northern Region Black Political Caucus		9-17-76	1,000.00
" " " " "		10-15-76	6,000.00
" " " " "		10-25-76	1,113.50
" " " " "		10-25-76	1,250.00
Oneida County Democratic Committee		11-01-76	250.00
Orange County Democratic Committee		9-20-76	750.00
Orange County Democratic Committee		9-28-76	750.00
" " " "		10-25-76	600.00

## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
People's Democratic Club	9-28-76	500.00
" " "	10-05-76	500.00
Phillipine American Committee	9-10-76	1,000.00
Reielly, Edwin D. - Schenectady County	11-01-76	150.00
Rockland County Black Political Caucus	5-12-77	250.00
Southeast Queens Voter Registration Committee	9-20-76	500.00
" " " " "	10-11-76	502.00
" " " " "	10-25-76	500.00
Suffolk Democratic Organization & Surrounding Areas	10-25-76	500.00
" " " " "	11-01-76	250.00
Todd 2 Way Radio Local 3036	11-01-76	720.00
Tompkins County Democratic Committee	10-04-76	500.00
United Democratic Club	10-30-76	500.00
University Student Center	10-22-76	\$ 1,664.00
Vanguard Urban Development	9-28-76	500.00
Vanguard Urban Improvement Association	10-08-76	500.00
" " " "	10-25-76	400.00

## EXHIBIT A

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
Voter Registration of Minorities	10-25-76	1,000.00
Voter Registration of Minorities In Nassau	9-24-76	800.00
" " " " " "	10-15-76	800.00
32nd Regular Democratic Club	10-26-76	<u>500.00</u>
	Total	<u>\$102,081.21</u>



# FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

November 23, 1977

MEMORANDUM TO: BOB COSTA  
ASSISTANT STAFF DIRECTOR FOR AUDIT

THROUGH: ORLANDO B. POTTER *OBP*  
STAFF DIRECTOR

FROM: IRENE ALLEN/PAM BROWN *IA*  
PARTY TEAM

SUBJECT: POSSIBLE AUDIT OF THE NEW YORK STATE  
VOTER REGISTRATION DRIVE

Due to the poor quality of filings submitted; the lack of filing of the critical Year-end 1976 report; the lack of response to the Commission regarding the two non-filing mailgrams sent to the committee; and finally communications with the deputy director indicating that the committee itself has no clear idea of the extent of their financial activity in the 1976 general election campaign, I recommend that this committee be audited.

## GENERAL QUESTIONS

There is some question that the New York State Voter Registration Drive may not be a federal political committee as defined by the Act since the original Statement of Organization states that the committee will not raise or expend an amount greater than \$1000 on behalf of federal candidates (see exhibit A). However, it is difficult to ascertain whether or not a party related committee receiving all of its funds from a national party committee (DNC) can, by its nature, conduct a non-partisan voter registration drive (see exhibit B, a listing of transfers from DNC to NYS Voter Registration Drive; also note discrepancies in amounts reported by both committees). This committee did not transfer any funds to federal candidates, but transferred various amounts to numerous county party and non-party committees (see exhibit C). The crux of the matter is if the Commission determines that the drive was indeed non-partisan, and assuming that it was, whether the Commission would have either interest or statutory mandate in pursuing the matter further.





SUBJECT: POSSIBLE AUDIT OF THE  
NEW YORK STATE VOTER REGISTRATION DRIVE

Page two

THE REPORTSStatements of Orginazation

Dated 10/13/76; stated connection with the New York State Democratic Committee, a non-reporting entity, and a statement to the effect that the voter registration committee would not support federal candidates in excess of \$1000. No RFAI necessary.

Statement of Organization Amendment

Dated 11/2/76; adds to affiliation to include DNC Services Corp. and other party committees; changes locus of records to Larrie Dillard, the deputy director, and changes as to the disposition of residual funds. No RFAI necessary.

October-10 Quarterly

Report covers 7/1/76-9/30/76. Although reported on the Detailed Summary Schedule, no Schedule A was submitted to support the entry of \$75000 on Line 18(a) under affiliated transfers (although on the 30 Day Post Election report entry of the aggregate year-to-date totals for DNC Services Corp. clarifies the matter). In addition, there is no clear explanation of purpose of expenditures on Line 20 as well as on Line 24 as to the meaning of "voter registration" when funds were transferred out. RFAI sent 6/21/77. Committee was informed as to what was required by phone on June 14, 1977 (see Telecon #1).

THERE WAS NO YEAR-END REPORT FILED DESPITE TWO COMMISSION MAILGRAMS, AND ONE SPECIAL LETTER, LEAVING A GAP FROM NOVEMBER 1, 1976 THROUGH DECEMBER 31, 1976.

April 10 Quarterly

Report covers 1/1/77-4/1/77. No Summary Page figures included, only a Detailed Summary Schedule indicating approximately \$11000 worth of expenditures. Since the cash-on-hand balance from the previous report submitted indicated that the committee had only \$170 in its account, it would appear that the intervening period had some activity. RFAI sent 6/21/77.

April 10 Amendment

(received 6/15/77) Covers 4/1/77. Sent into settle accounts. Gives only expenditures, no receipts. The report does not provide summary pages.

April 10 Amendment

(received 7/15/77) Explains committee operations. Does not disclose any receipts or expenditures. Does not provide summary pages or explanation of activity 11/1/76-12/31/76. RFAI sent 7/28/77, second notice (RTB) sent 8/29/77. No response.

SUBJECT: POSSIBLE AUDIT OF THE  
NEW YORK STATE VOTER REGISTRATION DRIVE

Page three

COMMISSION ACTION TO DATE

3 RFAs sent on June 21, 1977 on all reports submitted by this committee.

RFA sent on April 10 Amendment

1 second notice sent April 10 amendment (see exhibit D)

1st Non-filer mailgram sent 4/1/77--no response

2nd Non-filer mailgram sent 4/28/77--no response, but two telephone conversations in which the committee was made aware of its obligations and the necessity for a timely response.

Special Non-filer letter sent 10/28/77.

The conversation on June 14, 1977 elicited some information (see Telecon #1) vis a vis the source of funds and the ultimate recipients of the funds (the recipients were selected by "responsible leaders"). It was further discovered that the bookkeeper had left mid-November and the finances have been handled in a haphazard fashion ever since. Larrie Dillard, the deputy director, stated that their reporting format followed that suggested by a contact at UNC Services Corp.

Subsequent contact with the committee (see Telecon #2) reveals that the situation has not improved. Mr. Dillard indicates he may come to Washington, D.C.

Date and Time of Transmittal: \_\_\_\_\_

DIS NO. \_\_\_\_\_

REC'D: \_\_\_\_\_

RECOMMENDATION FOR AUDIT

FEDERAL ELECTION COMMISSION  
Washington, D.C.

Method of Origination: DISCLOSURE DIVISION-PARTY RELATED TEAM

Person or Committee to be Audited: NEW YORK STATE VOTER REGISTRATION DRIVE

Relevant Statute: 2 U.S.C. 432(d), 434(a) (b) (c); also 431(d) (e)

Internal Reports Checked: 1976: October 10 Quarterly, 30 Day Post Election; 1977: April 10 Quarterly

Previous Audit History: none to date

SUMMARY OF QUESTIONS RAISED

1. Is the NYS Voter Registration Drive a political committee as defined by the Act?
2. Incidence of non-filing; reports not cumulative.
3. Omissions of receipt schedules; inadequate expenditure information.
4. Reporting discrepancies relating to transfers received from DNC Services Corp.
5. Questionable ability of committee to document total financial activity.

PRELIMINARY ANALYSIS

Telephone contact with the Deputy Director reveals a lack of internal control of financial records. The bookkeeper had left the committee in November 1976 and no concerted effort has been made since that time to keep records of any sort.

RECOMMENDATIONS

Due to their inability to provide the Commission with accurate records, and their lack of response to Commission mailgrams regarding the non-filing of the Year-end Report, we recommend that the NYS Voter Registration Drive be audited.

DATE OF PROPOSED AUDIT: \_\_\_\_\_



✓ (commission  
A. H. W.  
A. C. 2046)

Case of Communist

New York State Committee New York Voter Registration Drive

**1 Area, Scope and Jurisdiction of Committee:**

- (a) Will this committee operate in more than one State? ☐ Yes ☒ No
- (b) Will it operate on a statewide basis in one State? ☒ Yes ☐ No
- (c) Will it primarily support candidates seeking State or local office? ☐ Yes ☒ No
- (d) Will it support, etc., candidates for Fed. office in excess of \$1,000? ☒ Yes ☐ No

4 (a) List by name, address, office sought, and party affiliation, any candidate for Federal office that this Committee is supporting

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

(b) List by name, address, office sought, and party affiliation, any candidate(s) for any other public office(s) that this committee is supporting (unless the committee is supporting the entire ticket of a party as indicated in line 9)

[illegible]

9 If this committee is supporting the entire ticket of a party, give name of party Democratic

**10** Identify by name, address and position, the person in possession of committee books and records:

Full name	Mailing address and ZIP code	Title or position

Indicate additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the answer location above when information is continued on separate sheets.



NEW YORK STATE VOTER REGISTRATION DRIVE  
RETURNED BY TAX SERVICES CORP. AND TOTAL  
REPORTED RECEIVED BY N.Y.S.V.R.D.

8/30/76	\$20,000
9/1/76	25,000
9/23/76	22,500
9/23/76	7,500
10/1/76	15,000
10/6/76	10,000
10/13/76	5,000
10/19/76	20,000
10/24/76	10,000
10/28/76	1,497
10/29/76	10,000
12/9/76	1,500
12/16/76	<u>1,500</u>

C TOTAL \$149,497 REPORTED BY DNC SERVICES CORP.

C TOTAL \$103,250 REPORTED BY NEW YORK STATE VOTER REGISTRATION DRIVE

DISCREPANCY \$41,247 THIS POSSIBLY WILL BE CLARIFIED WITH THE FILING OF THE  
YEAR-END REPORT



New York State Young Democrats--\$1400  
Northern Region Black Political Caucus--\$9413.50  
Orange County Democratic Committee--\$1500  
Southeast Queens Voter Registration Committee--\$1002  
Central Queens Voter Registration Committee--\$1900  
Queens County Democratic Committee--\$7000 \*\*  
Hanson McGee Jackson Democratic Club--\$900  
Voter Registration of Minorities in Nassau County--\$1600  
Nassau County Democratic Committee--\$1000  
Monroe County Democratic Committee--\$2250  
Madog Democratic Committee--\$2000  
Livingston County Democratic Committee--\$5000 \*\*  
The Peoples Democratic Committee--\$1000  
North Shore Political Action Committee--\$750  
Rockland County Democratic Committee--\$750  
Sampkins County Democratic Committee--\$500  
Jew Democratic Club--\$140  
North End Democratic Club--\$119.50  
Sullivan County Democratic Finance Committee--\$2500  
Suffolk Democratic Organization--\$500  
Bronx Concerned Clergy for Voter Registration--\$750  
Citizens Voter Education Committee--\$13990  
Hispanic Alliance Voter Education--\$11906  
Colony South Brooklyn Houses--\$2750  
Bronx Commonwealth Voter Registration--\$750  
Cross Bronx Progressive Association Inc.--\$500  
Commando Security Systems Voter Registration Drive--\$269  
Languard Urban Improvement Association--\$1000

Mid Brooklyn Voter Education League--\$500

New Rochelle NAACP--\$2894.62

Northeast Queens Clergy Fellowship--\$1000

University Student Center--\$1664

Committee for 2 million--\$11158

Chinese American Voter Registration--\$1200

Philippine American Voter Registration--\$1000

New York Student Voter Registration Drive--\$1000

Nassau Economic Opportunity Voter Registration Committee--\$1000

\*\* REGISTERED WITH THE FEC

- Kings County Democratic committee reported receiving \$2000 from NYS Voter Registration Drive.
- Queens County Democratic Committee reported receiving \$5300 from NYS Voter Reg. Drive.



## FEDERAL ELECTION COMMISSION

1100 K STREET N.W.  
WASHINGTON, D.C. 20543

9/14

August 29, 1977

Bernard Charles, Treasurer  
New York State Voter Registration Drive  
Attn: Larrie Dillard, 109 Old Nyack Turnpike  
Spring Valley, New York 10977

Dear Mr. Charles:

On July 28, 1977, you were notified that the April 10 Quarterly Amended Report of Receipts and Expenditures filed by your committee omitted certain required information.

As of this date, however, we have received no response from you. Your failure to amend your report gives the Commission reason to believe that you are in violation of 2 U.S.C. 434.

The Commission will take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within ten (10) days of receipt of this letter.

If you have responded to the above or you require additional information, please contact Pamela Brown, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is 523-4048.

Sincerely,

Thomas S. Harris  
Commissioner

Certified Mail:  
Return Receipt Requested



## TRANSMITTAL TO WORD PROCESSING

xx 2ND NOTICE RFAI       3RD NOTICE RFAI

TO: Bernard Charlow  
 (full name of treasurer)  
New York State Voter Registration Drive  
 (full name of committee)  
Attn: Larrie Dillard, 109 Old Nyack Turnpike  
 (address)  
Spring Valley, NY 10977  
 (city, state, zip)

DATE RQ1 xx or RQ2        WAS SENT (check the one applicable) July 28, 1977DATE RESPONSE WAS RECEIVED (IF ANY):       SECTION IN VIOLATION: 433 or 434 (circle one)NAME OF ANALYST HANDLING THE VIOLATION: Pamela BrownIN REPLY PLEASE REFER TO: 3RQ2/77- (02)CODED BY       DATE       ☒ APPENDIX IX April 10  
(do)☐ APPENDIX IX(R)         
(re)☐ APPENDIX IXIE☐ APPENDIX IXIE(R)☐ APPENDIX IXSO☐ APPENDIX IXSO(R)

PS Form 3811, Mar. 1976

3RQ2/77-02

1. The following service is requested (check one).  
☐ Show to whom and date delivered..... 15¢  
☐ Show to whom, date, & address of delivery.. 35¢  
☐ RESTRICTED DELIVERY.  
 Show to whom and date delivered..... 65¢  
☐ RESTRICTED DELIVERY.  
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:  
NY Voter Reg.

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. 9018000 CERTIFIED NO.        INSURED NO.         
 (Always obtain signature of addressee or agent)  
 I have received the article described above.  
 SIGNATURE ☐ Addressee ☐ Authorized agent  
      

4. DATE OF DELIVERY       

5. ADDRESS (Complete only if requested)  
      

6. UNABLE TO DELIVER BECAUSE:  
      

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

151

MEMORANDUM: FOR FILES

RE: TELECON

FROM: *Sam Brown*

DATE: *9/12*

NAME OF COMMITTEE: *NYS Urban Reg. Dist. (Henry DeLoach)*

*He asked to say he would be responding to  
writing to the 2nd notice. Eq soon - We  
had nothing to discuss - U I 2*

MEMORANDUM: FOR FILES

RE: TELECON

FROM: Pam Brown

DATE: 6/14/77

NAME OF COMMITTEE: New York State Voter Registration Drive  
Larrie Dillard, (914) 356-3664

I originally called this committee to try to elicit a response to the 2nd notice year-end non-filer mailgram before referral to OGC, since the committee had other reporting problems and I thought that I might be able to help. I had analysed all the reports submitted and had made a list of problems that I wanted to discuss with the committee before sending out an RFA1. I had hoped the conversation would make the committee aware of its obligations.

NON-FILING

I spoke to Larrie Dillard regarding the filing of the year-end report covering 11/1/76-12/31/76. Mr. Dillard explained that the bookkeeper had left in November and that the entire election period had been chaotic. He indicated that he had no clear idea of the committee's financial situation although he had been responsible for the bookkeeping since the bookkeeper's departure. He said that the committee had received its funds channeled through the NYDSC from DNC and that the actual times they received funds, it was in the form of reimbursement.

REPORTING PROBLEMS

I asked him how the committee decided to allocate the money transferred out to other committees; and he replied that the committees receiving the funds had been selected by responsible leaders. Further, he stated that they did not know how the money was spent once it left the committee. I pointed out that the year-end report was crucial since the April 10 Report spent \$11000, while the last reported cash balance previously was \$170. In explaining how to fill out the year-end report, we discussed the ending balance of the 30 day post (\$170 reported) and it was discovered that a bank statement listed \$24000 in the account on the same day.

Mr. Dillard agreed to submit the report covering the end of the year, and said that he would try to work out the discrepancies in the existing reports as well to the best of his ability.



## MEMORANDUM TO THE FILES

DATE: 11/9/77

TELE: Party/P. Brown

COMMITTEE/CANDIDATE NAME: New York State Voter Registration Drive

NAME OF INDIVIDUAL SPOKEN TO: Larric Dillard

PHONE NUMBER: (914) 356-3664 CALL INITIATED BY: FEC

FIRST CALL: XXX SECOND CALL: THIRD CALL:

SUBJECT: FEC special letter

I called NYSVRD to see if any progress had been made in completing his year end report and in amending the 1st quarterly report (1977) for which the committee has been referred to OGC. He explained that since he had no clear idea of where the money came from or where it went, he has not been able to provide the required information. He said he would try again, and also mentioned that he may be coming down to Washington to get some help.

Response due date: \_\_\_\_\_

## SPECIAL INSTRUCTIONS TO BE FOLLOWED:

PLEASE BE ADVISED THAT IF WE DO NOT RECEIVE YOUR RESPONSE WITHIN ten (10) DAYS, THAT YOU (YOUR COMMITTEE) RUNS THE RISK OF THE COMMISSION FINDING "REASONABLE CAUSE TO BELIEVE" THAT YOU (YOUR COMMITTEE) ARE IN VIOLATION OF THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

CHECK AFTER READ ☐



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

April 20, 1978

MEMORANDUM

TO: COMMISSIONERS

THROUGH: ORLANDO B. POTTER

FROM: BOB COSTA *R/C*

SUBJECT: AUDIT REFERRAL RECOMMENDATION

Attached for your consideration is an audit recommendation resulting from a referral received from the Disclosure Division.

AR #25 New York State Voter Registration Drive

This recommendation is being circulated on a 48-hour no-objection basis. If no objection is received by the close of business, Friday, April 21, 1978, we will consider our recommendation to be accepted. If an objection is received, the Commission must determine at its next meeting whether it wants to consider the particular case, identified by number, in Executive Session at the following meeting.

Attachment as stated above.



## FEDERAL ELECTION COMMISSION

1125 K STREET NW  
WASHINGTON, D.C. 20463

### AUDIT DIVISION Audit Recommendation #25

Referred by: Disclosure Division on November 23, 1977

Committee: New York State Voter Registration Drive

Total Receipts	\$108,920*
Total Expenditures	\$108,749*

\*As disclosed on last report filed 7/1/76-10/31/76.

### ANALYSIS

#### 1) Reporting History

For the period covering July 1, 1976 through June 3, 1977, the Committee filed three (3) disclosure reports and two (2) amendments thereto. As the referral indicates, the Committee failed to file a year-end report for calendar year 1976. Technically, the Committee also failed to file a 10 day Pre-General Election report and an adequate 30 day Post-General Election Report, as the report identified to be the 30 day Post Election Report disclosed activity solely through October 31, 1976, instead of the prescribed closing date of November 22, 1976. Five (5) Requests for Additional Information were sent with regard to the reports filed. In addition, two (2) non-filer telegrams regarding the 1976 year-end report were sent in April, 1977, followed by a special letter in October, 1977.

#### 2) OGC Action

- a) Opinions - None
- b) Compliance - None

### 3) Factors Considered

~~xxx~~ This committee was recommended for audit primarily because the committee failed to file the 1976 Year-End Report, filed incomplete reports during 1977, and failed to respond to Commission notices regarding absent or partial filings.

Other questions raised in the referral are:

- a) whether the committee is a political committee under the Act;
- b) discrepancies between the transfers reported received from DNC Services, Inc., and those reported out by that committee; and
- c) questionable ability of committee to document total financial activity.

We find no reason to question whether or not the committee is a "political committee" as defined in 2 U.S.C. 431(d). The exclusion of voter registration activity from the definition of expenditure (2 U.S.C. 431(f)(4)(B)) provides that such activity must be non-partisan. Therefore, it appears the committee meets the statutory definition of "political committee." Because the committee was funded by the Democratic National Committee which launched its 1976 voter registration drives to encourage votes in the 1976 General Election, it would be difficult to label this activity as non-partisan.

As to the discrepancies between the reciprocally reported transfers from DNC Services and the committee, such inconsistencies in other committees' reports have been routinely cited via an RFAI. Thus far, clarification on these transfers has not been sought.

### 4) Other Matters

The referral also mentions that the committee transferred out funds to numerous political organizations for "voter registration" with no explanation as to the meaning of that purpose. We found, however, that an amendment submitted described the procedures used was ". . .to channel limited funds to satellite voter registration operations throughout the State of New York." This explanation would indicate that full disclosure as to the use of the funds for voter registration has not been made in that only two (2) of the 37 organizations having received funds are registered and filing reports with the Commission (18 of the 37 organizations received in excess of \$1,000).

#### RECOMMENDATION

The focus of this referral is the failure of the Committee to file cumulative disclosure reports when required and its failure to respond to Commission notices ("reason to believe" letters) regarding the non-filing. The Audit Division was advised that the committee was not placed into the final compliance track for non-filers because of its referral for audit. While an audit would generate the proper disclosure, we feel that the Commission's routine compliance procedures should first be applied. Accordingly, we recommend, in lieu of an audit at this time, that this committee be referred to the Office of General Counsel in order to obtain the required total disclosure of the committee's voter registration activities through the usual non-filing procedures.

PS Form 3811 Apr. 1971

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

**06C**

• **SENDER** Complete items 1 and 2. Add your address in the **RETURN TO** space on reverse.

1. The following service is requested (check one):  
 Show to whom and date delivered: \_\_\_\_\_  
☒ **RESTRICTED DELIVERY** Show to whom, date, and address of delivery: \_\_\_\_\_  
 Show to whom and date delivered: \_\_\_\_\_  
**RESTRICTED DELIVERY** Show to whom, date, and address of delivery: \_\_\_\_\_  
 (CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO**  
 \_\_\_\_\_

3. **ARTICLE DESCRIPTION**  
 REGISTERED NO. \_\_\_\_\_ CERTIFIED NO. **943062** INSURED NO. \_\_\_\_\_  
 (Always obtain signature of addressee or agent)

4. I have received the article described above:  
 SIGNATURE \_\_\_\_\_ AUTHORIZED AGENT \_\_\_\_\_  
 DATE OF DELIVERY \_\_\_\_\_

5. **ADDRESS** (Complete only if requested):  
 \_\_\_\_\_

6. **UNABLE TO DELIVER BECAUSE:** \_\_\_\_\_  
 CLERK'S INITIALS \_\_\_\_\_

**POSTMARK**  
 MAY 1971  
 AIR MAIL

200:10000:8





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

March 15, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Bernard Charles, Treasurer  
New York State Voter Registration  
Drive  
Attn: Larrie Dillard,  
109 Old Nyack Turnpike  
Spring Valley, New York 10977

Re: MUR 510 (78)

Dear Mr. Dillard:

On March 2, 1978, the Commission found probable cause to believe that you have failed to file the January 31, 1977 year-end report as set forth in 2 U.S.C. §434(a)(1).

The Commission is preparing to seek civil penalties regarding this matter. Please direct any responses to Ellen Hughes (telephone no. 202/523-4026), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker  
General Counsel



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Non-filer/New York State )  
Voter Registration )  
Drive )

MUR 510 (78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 2, 1978, the Commission approved by a vote of 6-0 the General Counsel's recommendation to find probable cause to believe that the NYSVRD has violated 2 U.S.C. §434(a)(1) and seek appropriate civil action.

Date: 3-2-78

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary to the Commission

Report dated:	February 16, 1978
Signed by General Counsel:	February 23, 1978
Received in Commission Secretary's Office:	February 24, 1978, 12:58
Circulated to the Commissioners:	February 27, 1978, 10:30
Method of Circulation:	72 Hour Vote Basis

February 24, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 510

Please have the attached General Counsel's Report  
on MUR 510 distributed to the Commission on a 72 hour  
vote basis.

Thank you.

81030245010

BEFORE THE FEDERAL ELECTION COMMISSION

February 16, 1978

In the Matter of )  
Non-filer/New York State ) MUR 510 (78)  
Voter Registration )  
Drive )

GENERAL COUNSEL'S REPORT

I. Allegation

The New York State Voter Registration Drive (NYSVRD) has failed to file the January 31, 1977 year-end report as set forth in 2 U.S.C. §434(a)(1).

II. Evidence

A letter was sent to Mr. Bernard Charles, treasurer of NYSVRD on April 1, 1977, notifying him that the Commission found reason to believe that he is in violation of 2 U.S.C. §434. On April 27, 1977, due to no response, the Commission proceeded to find reasonable cause to believe that Mr. Charles violated 2 U.S.C. §434(see Attachment A).

Mr. Charles has not responded to these letters from the Commission. Subsequently, on January 9, 1978, the NYSVRD was published on a list of 1977 non-filers.

III. Analysis

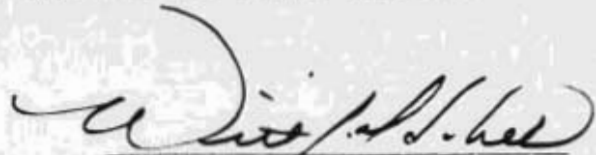
The NYSVRD has failed to file the January 31, 1977 year-end report. Although some of the notice for receipts are unaccounted for or unclaimed, Mr. Charles has received

various notifications informing him of his failure to file this report(see Attachment B). On behalf of the NYSVRD, Mr. Charles has not responded to these efforts by the Commission to correct or prevent a violation. Through numerous communications to Mr. Charles, the Commission has tried to conciliate the case, but he has not utilized the statutory right to the informal methods of conference, conciliation and persuasion.

IV. Recommendation

It is recommended that the Commission find probable cause to believe that the NYSVRD has violated 2 U.S.C. §434(a)(1) and seek appropriate civil action.

2/23/78  
Date

  
William C. Oldaker  
General Counsel

81000045012

1ST MAILGRAM

April 1, 1977

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOUR COMMITTEE MAY HAVE FAILED TO FILE A YEAR END REPORT OF RECEIPTS AND EXPENDITURES FOR THE 1976 FEDERAL ELECTION WITH THE COMMISSION AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. I REALIZE THAT THE REPORTING REQUIREMENTS OF THE ACT ARE COMPLEX AND THAT YOU MAY HAVE BEEN UNAWARE OF YOUR OBLIGATIONS. HOWEVER, IT APPEARS THAT YOUR REPORT WAS DUE ON JANUARY 31, 1977.

YOUR APPARENT FAILURE TO FILE THIS REPORT GIVES THE COMMISSION REASON TO BELIEVE THAT YOU ARE IN POSSIBLE VIOLATION OF 2 U.S.C. SECTION 434.

YOU ARE HEREBY AFFORDED A REASONABLE OPPORTUNITY TO DEMONSTRATE WHY NO ACTION SHOULD BE TAKEN AGAINST YOU. IF YOU HAVE NOT FILED THE REQUIRED REPORTS, YOU SHOULD DO SO WITHIN TEN (10) DAYS OF RECEIPT OF THIS NOTICE. HOWEVER, IF YOU HAVE FILED THE ABOVE MENTIONED REPORT OR REQUIRE ADDITIONAL INFORMATION, PLEASE CONTACT OUR DISCLOSURE DIVISION ON THE TOLL FREE NUMBER (800) 424-9530. OUR LOCAL NUMBER IS (202) 523-4048.

SINCERELY,

VERNON W. THOMSON  
CHAIRMAN  
19144 EST

HGMCOMP HGM



2ND MAILGRAM

April 27, 1977

YOU HAVE BEEN NOTIFIED BY CERTIFIED MAIL FROM THE FEDERAL  
ELECTION COMMISSION THAT YOUR COMMITTEE MAY HAVE FAILED TO FILE A  
TRUE AND CORRECT REPORT OF RECEIPTS AND EXPENDITURES WITH THE FEDERAL  
ELECTION COMMISSION AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN  
ACT, AS AMENDED. THIS REPORT WAS DUE ON JANUARY 31, 1977.

YOUR CONTINUED FAILURE TO FILE THE ABOVE MENTIONED REPORT GIVES  
THE COMMISSION REASONABLE CAUSE TO BELIEVE THAT YOU ARE IN VIOLATION  
OF 2 U.S.C. 5434.

YOU HAVE UNTIL MAY 29, 1977, (30 DAYS) TO SETTLE THIS MATTER  
BY VOLUNTARY CONCILIATION BEFORE THE COMMISSION PUBLISHES YOUR NAME  
IN A LIST OF NON-FILERS. IN THE EVENT THAT YOU HAVE ALREADY FILED  
YOUR REPORT, PLEASE CALL (202) 534-4040. SHOULD YOU FAIL TO RESPOND  
TO THE ABOVE, THE OFFICE OF GENERAL COUNSEL WILL TAKE THE NECESSARY  
ACTION TO SEEK APPROPRIATE CIVIL PENALTIES AS PRESCRIBED BY 2 U.S.C.

Sincerely,

VERNON W. THOMSON  
CHAIRMAN  
FEDERAL ELECTION COMMISSION  
6000 EST

WASHOONP MBN

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION TOLL-FREE PHONE NUMBER

# ATTACHMENT B

YE

## NEW YORK VOTER REGISTRATION DRIVE

FIRST NOTICE

SECOND NOTICE

UNACCOUNTED FOR

Form 3811, 10/19/75

Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).  
☒ Show to whom and date delivered..... 15¢  
☐ Show to whom, date, & address of delivery... 35¢  
☐ RESTRICTED DELIVERY.  
☐ Show to whom and date delivered..... 65¢  
☐ RESTRICTED DELIVERY.  
☐ Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:  
 DENVER - CH 4250  
 10 3rd AVE  
 NEW YORK, N.Y. 10012

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 12-119-0001

(Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE ☐ Address ☐ Authorized agent  
 Charles R. C. HULDRUP

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS  
 B

POSTMARK  
 5  
 1977  
 NY

☆ GPO 1975-O-203-458

NEW YORK STATE VOTER REGISTRATION SERVICE

1st Notice



POSTAGE AND FEES PAID

CERTIFIED

9432960

PS Form 3811, Mar. 1975

3/1

● SENDER Complete items 1, 2, and 3. Add your address on the reverse.

1. The following service is requested

☐ Show to whom and date delivered

☒ Show to whom, date, & address

☐ RESTRICTED DELIVERY. Show to whom and date delivered

☐ RESTRICTED DELIVERY. Show to whom, date, and address

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.
	12510

(Always obtain signature of addressee)

I have received the article described at

SIGNATURE ☐ Addressee ☐ Addressee's Agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

1st Notice 11/28/77  
2nd Notice 12/16

Mr. Bernard Charles, Treasurer  
New York State Voter Registration Drive  
109 Old Nyack Turnpike  
Spring Valley, New York 10977

FEDERAL ELECTION COMMISSION

1325 K STREET, NW  
WASHINGTON, DC 20463

OFFICIAL BUSINESS



0-12



# FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

January 16, 1978

## MEMORANDUM

TO: WILLIAM OLDAKER  
THROUGH: ORLANDO B. POTTER *OBP*  
FROM: LOIS ZELLA *L. Zella*  
SUBJECT: NON-FILERS

The Reports Analysis Division has completed, (through publication), its tracking of candidates/committees that are non-filers for several reporting periods ("multiple non-filers"). Attached is a chart of these multiple non-filers which shows the various actions the Commission has approved and the date of such actions. The green certification cards for each stage are also attached.

On January 9, 1978, the Press Office issued a release containing the names of those candidates/committees that failed to file various reports. (see chart attached) Only those candidates/committees whom the Commission had sent reason to believe and reasonable cause to believe notices were published in the press release.

Also included in this referral are committees which have failed to file the 1976 Year End Report. These committees have been notified twice concerning their year-end reporting obligation. However, the Commission has not made a finding of reason to believe or reasonable cause to believe for their failure to file the Year End Report.

Should you have any questions, or need any assistance, please let me know. As our Division becomes aware of any of these candidates/committees filing any of their outstanding reports, we will contact your office immediately. Should your office receive any reports that would take a candidate/committee off this list I would appreciate being informed of this immediately. Recommendations for three (3) committees have been included for your reference. Should your office concur with these recommendations, I would appreciate being so informed.



COMMITTEE NAME

LAST REPORT FILED

JANUARY 31 REPORT

APRIL 10 REPORT

JULY 10 REPORT

OCTOBER 10 REPORT

REGARDS TO THE LINDSAY  
YEARS COMMITTEE(1972) 1/

COLLEGE STUDENTS FOR  
REAGAN(IND. EXP. COMM.)

CITIZENS FOR RESPONSIBLE  
ACTION (IND. EXP. COM.)

RCPTS	EXP.	C	Db	Not. 1	Not. 2	RTB	RCIB	RCIB2	FILED	RTB	RCIB	RCIB2	RCIB3	FILE	RTB	RCIB	RCIB2	FILED	RTB	RCIB	FILED
				(*)	N/A	N/A	4/1	4/27	10/28 11/25	5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
5025	3714	307	488		N/A	N/A	4/1	4/27	10/28 11/25	10/28	11/25				10/28	11/25			10/28	11/25	
4,350	3628	621	000				4/1	4/27	10/28 11/25	10/28	11/25				10/28	11/25			10/28	11/25	

(\*) \$233,569

1/ THIS COMMITTEE HAS BEEN UNABLE TO FILE REPORTS BECAUSE ITS RECORDS ARE IN THE POSSESSION  
OF THE NEW YORK STATE ATTORNEY GENERAL'S OFFICE.

C = Cash on Hand

COMMITTEE NAME	LAST REPORT FILED				JANUARY 31 REPORT				APRIL 10 REPORT				JULY 10 REPORT				OCTOBER 10 REPORT					
SENATE	RCPTS	EXP.	C	QTR	Not 1	Not 2	RTB	RCIB	RCIB2	FILED	RTB	RCIB	RCIB2	RCIB3	FILE	RTB	RCIB	RCIB2	FILED	RTB	RCIB	FILED
BECAN FOR SENATE	1,041	2,753	0	153	N/A	N/A	4/1	4/29	10/28	11/25	5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
GIFFORD FOR U.S. SENATE	1,700	1,000	0	104	10/28	10/28					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
TIERNEY FOR U.S. SENATE COMM.	13545	13545	0	152	N/A	N/A	4/1	4/29	10/28	11/25	5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
CANDIDATE NAME																						
BE... DAN	4,019	2608	0	157	10/28	11/25					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
GI... RD, HOWARD	1434	1552	0	135	10/28	11/25					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
Thurman Hamlin Trenton H. Parker Senate Campaign Comm. Inc.	ONLY	OCUTON	FILED	IS	A	FOR	2	ON	4/17/77											10/31	11/21	
	20	1000	0	-						yes					yes				yes	10/31	11/21	



## COMMITTEE NAME

## LAST REPORT FILED

## JANUARY 31 REPORT

## APRIL 10 REPORT

## JULY 10 REPORT

## OCTOBER 10 REPORT

	APRIL 10 REPORT										APRIL 10 REPORT				OCTOBER 10 REPORT							
	RCPTS	EXP.	C	DB	Not. 1	Not. 2	RIB	RCIB	RCIB2	FILED	RIB	RCIB	RCIB2	RCIB3	FILED	RIB	RCIB	RCIB2	FILED	RIB	RCIB	FILED
BILL BROWN FOR CONGRESS CAMPAIGN COMMITTEE	13331	3500	0	31	10/28	11/25								yes	8/9	10/28	11/25		10/28	11/25		
BOUEY FOR CONGRESS	01	810	8	31	10/28	11/25					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
CITIZENS FOR DENNERLL COM	1182	1182	0	90	10/28	11/25					5/7	10/28	11/25			8/9	10/28	11/25		10/28	11/25	
CITIZENS FOR GRIMM	350	750	90	0	10/28	11/25					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
CITIZENS TO ELECT CAMPEN	11515	1515	0	11	10/28	11/25					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
ARK FOR CONGRESS	61255	121	71	23	10/28	11/25								3a				3a			n/a	
COMMITTEE AMIGOS DE JAIME BENITEZ**	20,679	240	273		10/28	11/25					10/28	11/25				8/9	10/28	11/25		10/28	11/25	
COMMITTEE TO ELECT BRUCE LATTI	7002 6703	7002 6300	0	0	10/28	11/25					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
COMMITTEE TO ELECT CHARLES G. JOHNS	0	32	0	0	10/28	11/25					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
COMMITTEE TO ELECT HARRY A. HANNA	5545	7180	75	75	10/28	11/25					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
COMMITTEE TO ELECT HILL TO CONGRESS	1200	1200	0	0	10/28	11/25					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
COMMITTEE TO ELECT KARL T. HUNTER	5	1	80	0	10/28	11/25					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
COMMITTEE TO ELECT ROBERT M. REYNOLDS	014	910	94	38	10/28	11/25					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
COMMITTEE TO ELECT ROBERT SIEBURG '76	1004	3324	0	18	10/28	11/25					5/7	5/27	10/28	11/25		10/28	11/25			10/28	11/25	

\*\* CANDIDATE AND COMMITTEE MIX

COMMITTEE NAME

LAST REPORT FILED

JANUARY 31 REPORT

APRIL 10 REPORT

JULY 10 REPORT

OCTOBER 10 REPORT

	RCPTS	EXP	C	DB	Not. 1	Not. 2	RIB	RCIB	RCIB2	FILE	RIB	RCIB	RCIB2	RCIB3	FILE	RIB	RCIB	RCIB2	FILE	RIB	RCIB	FILE
DAN FINNIGAN FOR CONGRESS	5580	6170	47	23	00	10/28								3a								N/A
FRANKE FOR CONGRESS	1680	1102	17	50	00	10/28					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
JESSE RATTLEY FOR CONGRESS	11576	11055	50	00	00	10/28								3a								N/A
JIM HOWARD FOR CONGRESS COM.	14820	1657	16	27	00		YES				5/7 (ret)	5/27 (ret)	10/28	11/25								3a
SCHADE FOR CONGRESS	10804	10804	-2	00	00	10/28					5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
SPIRIT OF 76 CAMPAIGN	2000	2000	0	00	00	10/28					10/28	11/25				8/9	10/28	11/25		10/28	11/25	
STOUT FOR CONGRESS	6461	6432	28	10	10	10/28					5/7 (RET)	5/27 (RET)	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
THE CITIZENS FOR	1415	1415	67	00	00	10/28					5/7 (RET)	5/27 (RET)	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
REYNOLDS, ROBERT	300	300	0	08	30		YES				10/28	11/25				8/9	10/28	11/25		10/28	11/25	
Al Blume for Cong. Comm.	900	1450	44	25	15		yes								yes					yes	10/31	11/21
John Hemenway for Cong. Comm.			20	18	00		yes								yes					yes	10/31	11/21

RET = Notification  
Returned

## COMMITTEE NAME

LAST REPORT FILED

JANUARY 31 REPORT

APRIL 10 REPORT

JULY 10 REPORT

OCTOBER 10 REPORT

## NON-PARTY

SPORTSMEN FOR KENTUCKY

TAXPAYERS ACTION FUND

UNITED NATIONS REFORM  
ELECTORAL CAMPAIGN COM.

## PARTY

DEMOCRATS ABROAD (FRANCE)

GENESEE COUNTY REPUBLICAN  
FINANCE COMMITTEENEW YORK STATE VOTER  
REGISTRATION DRIVE\*\*RECOMMENDED FOR AN  
AUDIT ON 11/18/77

## NON-PARTY

COMM. AFL-CIO  
Greensboro, NCIRONWORKERS LOCAL UNION  
NO. 25 Pol. Educ. Comm.

RCPTS	EXP.	C	DB	Not. 1	Not. 2	RID	RCID	RCID2	FILE	RID	RCID	RCID2	RCID3	FILE	RID	RCID	RCID2	FILE	RID	RCID	FILE
3065	1514	11	0			4/1	10/28	11/25						12/0				3a			N/A
16022	1664	11	47			4/1	10/28	11/25		5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
1230	2412	31	0			4/1	10/28	11/25						3a				3a			N/A
4018	2650	13	0	10/28	11/25									3a				3a			N/A
26884	2749	57	96						YES	5/7	5/27	10/28	11/25		8/9	10/28	11/25		10/28	11/25	
?	0000	?	0	10/28	11/25	4/1	4/29			N/A	N/A			YES			YES				YES
ONLY DOCUMENT FILED IS A 3a POSTCARD on 7/31/76																			10/31	11/21	
ONLY DOCUMENT FILED IS A FORM 1 on 1/16/77																			10/31	11/21	

Memorandum

To: Bill Oldaker  
From: Bill Loughrey *B.L.*  
Re: 1977 Nonfilers  
Date: January 16, 1978

After discussions with the team chiefs and John Gibson, I would recommend filing suit against the following committees:

John Hemenway for Congress Committee (also will be recommended for audit)  
Sportsmen for Kentucky  
Taxpayers Action Fund  
United Nations Reform Electoral Campaign Committee  
Genesee County Republican Finance Committee

I would not recommend action against the other candidates and committees, although you may wish to proceed against some or all of them. Also, since some of these candidates and committee are in the process of filing reports, please check further with the Reports Analysis Division before any recommendation to the Commission. Even if the above five committees do file, I would suggest the filing of a suit for late filing.

*I agree with Bill's observation above but  
would add the thought that we might want  
to proceed against others who had disclosed  
activity in excess of \$10,000 (or comparable threshold)  
on the theory that they might again be candidates  
in 1978— *B.L.P.**

# FEDERAL ELECTION COMMISSION



1325 K Street, N.W., Washington, D.C. 20463

RELEASE: ON RECEIPT  
Monday, January 9, 1978

CONTACT: DAVID FISKE  
SUSAN TIFFT  
(202) 523-4065

## FEC PUBLISHES LIST OF 1977 "NON-FILERS"

WASHINGTON - January 9 - The Federal Election Commission today published the names of Federal candidates, their principal campaign committees, and other political committees which failed file required reports of their campaign finances during 1977.

NOTE: The list of 1977 "Non-Filers" appears on the back of this page.

During 1977, candidates and their authorized committees were required to file a 1976 year end report, due January 31, 1977, if their receipts or expenditures in the fourth quarter exceeded \$1,000 or if they had any debts outstanding on December 31, 1976. Candidates and their authorized committees had a requirement to file 1977 quarterly reports (April 10, July 10, and October 10) if their combined total of receipts and expenditures exceeded \$5,000 in a calendar quarter. All other political committees must file a 1976 year-end report and the required 1977 quarterly reports if they raised or spent over \$1,000 in the calendar quarter.

Candidates and committees which are exempt from filing a quarterly report must nevertheless notify the Commission of this fact by letter or FEC Form 3a postcard at the end of the first quarter in which the exemption applies.

The Federal Election Campaign Act of 1971, as amended in 1974 and 1976, states that "it shall be the duty of the Commission to...prepare and publish from time to time special report listing those candidates...for whom...reports were not filed as so required."

Under FEC procedures, three notices are sent to the candidates and committees reminding them of their reporting obligations, and urging compliance. If a report is not filed following these notices, the names of all "non-filers" are made public.

"Prior notice" is the first reminder sent on a routine basis prior to the filing date, to all candidates on election ballots in their respective states, as certified by their Secretary of State, and confirmed by lists with the Clerk of the House and the Secretary of the Senate and to all other candidates and political committees registered with the Commission. This notice simply reminds candidates and committees of their required reports, and the appropriate filing dates.

The second notice is sent only to candidates and committees whose reports have not been received by or shortly after the filing date, and states that this "apparent failure...gives the Commission 'reason to believe' that the candidate or committee is in violation of the reporting requirements."

The third notice is sent only to candidates and committees whose reports are not filed in response to the second notice, and states that "continued failure to file has given the Commission 'reasonable cause to believe' that they are in violation and that 'failure to respond may subject the candidate or committee to civil penalties and...to publication of the candidate's or committee's name on a list of non-filers.'"

When a candidate or committee continues to fail to file after receiving the three notices, the Commission publishes the name of the candidate and/or committee on a list of non-filers.

In addition to publishing the names of non-filers, the FEC has the authority to undertake further enforcement action under the statute, including civil court enforcement and imposition of civil fines (\$5,000 for "any violation" and \$10,000 for a "knowing and willful violation.")



The following are the candidates, principal campaign committees and political committees which failed to file required reports during 1977: (X denotes that a report was not filed.)

FILING ENTITY	Year-End '76 (1-31-77)	Apr. 10 1977	Jul. 10 1977	Oct. 10 1977
<u>PRESIDENTIAL</u>				
College Students for Reagan (Independent Expenditure Committee) (New York, New York)	X	X	X	X
Citizens for Responsible Action (Independent Expenditure Committee) (Corpus Christi, Texas)	X	X	X	X
<u>SENATE</u>				
Becan for Senate (Nevada)	X	X	X	X
Dan Becan (Nevada)		X	X	X
Gifford for U. S. Senate (California)		X	X	X
Howard Gifford (California)		X	X	X
Thurman Hamlin (Kentucky)				X
Trenton H. Parker Senate Campaign Comm. Inc. (Colorado)				X
Tierney for U.S. Senate Committee (Montana)	X	X	X	X
<u>HOUSE</u>				
Allen Blume for Congress Committee (Alaska-at-Large)				X
Bill Brown for Congress Campaign Committee (Florida-12th)			X	X
Bouey for Congress (California-6th)		X	X	X
Citizens for Denneril Committee (Ohio-20th)		X	X	X
Citizens for Grimm (New York-37th)		X	X	X
Citizens to Elect Campenni (New Jersey-14th)		X	X	X
Committee Amigos De Jaime Benitez (Puerto Rico-Cayey) (candidate/committee mix)		X	X	X
Committee to Elect Bruce Latta (California-25th)		X	X	X
Committee to Elect Charles G. Johns (Michigan-8th)		X	X	X
Committee to Elect Harry A. Hanna (Ohio-13rd)		X	X	X
Committee to Elect Hill to Congress (W. Virginia-3rd)		X	X	X
Committee to Elect Karl T. Hatch (Ohio-19th)		X	X	X
Committee to Elect Robert M. Reynolds (Washington-6th)		X	X	X
Committee to Elect Robert Sieburg '76 (N. Carolina-9th)		X	X	X
Frankie For Congress (Ohio-7th)		X	X	X
Jesse Bartley for Congress (Virginia-1st)		X	X	X
Jim Howard for Congress Committee (Oregon-4th)		X		
John Hamenway for Congress Committee (Washington-7th)				X
Robyn Hickey for U.S. Congress (California-17th)		X	X	X
Schule for Congress (Pennsylvania-3rd)		X	X	X
Stout for Congress (Georgia-11th)		X	X	X
Stout for Congress (Indiana-13th)		X	X	X
Stout for Congress (Michigan-4th)		X	X	X
<u>PARTY</u>				
Genesee County Republican Finance Committee (Flint, Michigan)		X	X	X
New York State Voter Registration Drive (Springville, New York)	X			
<u>NON-PARTY</u>				
Startmen for Kentucky (Louisville, Kentucky)	X			
Trappers Action Fund (Washington, D.C.)	X	X	X	X
United Nations Reform Electoral Campaign Committee (Raleigh, N.C.)	X			
COPE Committee AFL-CIO, (Greensboro, N.C.)				X
Ironworkers Local Union No. 25, Political Education Committee (Detroit, Michigan)				X



NEW YORK STATE VOTER REGISTRATION DRIVE

1st Notice

2nd Notice - Returned (unclaimed)

3/1

PS Form 2011, Nov. 1976

● **SENDER:** Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☐ Show to whom and date delivered..... 15¢

☒ Show to whom, date, & address of delivery.. 35¢

☐ **RESTRICTED DELIVERY.**  
Show to whom and date delivered..... 65¢

☐ **RESTRICTED DELIVERY.**  
Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	128410	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent.

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

POSTMARK  
APR 1976  
NEW YORK

☆ GPO : 1976-O-303-498

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION

1325 K STREET, NW  
WASHINGTON, DC 20463

OFFICIAL BUSINESS

POSTAGE AND FEES PAID



1st Notice 11/26/77

2nd Notice 12/6

Mr. Bernard Charles, Treasurer  
New York State Voter Registration Drive  
109 Old Nyack Turnpike  
Spring Valley, New York 10977

CERTIFIED

9432960

943260

1. ARTICLE DESCRIPTION REGISTERED NO. <span style="float: right;">INSURED NO.</span> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">943260</div>	
(Always obtain signature of addressee or agent) I have received the article described above SIGNATURE _____	
4. DATE OF DELIVERY _____	POSTMARK _____
5. ADDRESS Complete only if requested	
6. UNABLE TO DELIVER BECAUSE _____	CLERK'S INITIALS _____

FIRST NOTICE

SECOND NOTICE

UNACCOUNTED FOR

1. Complete items 1 through 5. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☐ Show to whom and date delivered..... 15¢

☐ Show to whom, date, & address of delivery.. 35¢

☒ RESTRICTED DELIVERY  
Show to whom and date delivered..... 65¢

☐ RESTRICTED DELIVERY  
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:  
REGISTERED NO. CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.  
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

6603 P 003 013

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

HOLBROOK  
POSTMARK  
5  
1977  
NY



FEDERAL ELECTION COMMISSION

1125 K STREET NW  
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 510

Date Filmed May 12, 1981 Camera No. --- 2

Cameraman JR